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EA-87-02



# ENVIRONMENTAL ASSESSMENT BOARD

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VOLUME: 269

DATE: Tuesday, December 4, 1990

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the  
Honourable Jim Bradley, Minister of the  
Environment, requiring the Environmental  
Assessment Board to hold a hearing with  
respect to a Class Environmental  
Assessment (No. NR-AA-30) of an  
undertaking by the Ministry of Natural  
Resources for the activity of timber  
management on Crown Lands in Ontario!

-----

Hearing held at the offices of the Ontario  
Highway Transport Commission, Britannica  
Building, 151 Bloor Street West, 10th Floor,  
Toronto, Ontario, on Tuesday, December 4,  
1990, commencing at 9:00 a.m.

-----

VOLUME 269

BEFORE:

MRS. ANNE KOVEN  
MR. ELIE MARTEL

Chairman  
Member







A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	
MS. C. BLASTORAH )	MINISTRY OF NATURAL
MS. K. MURPHY )	RESOURCES
MR. B. CAMPBELL )	
MS. J. SEABORN )	MINISTRY OF ENVIRONMENT
MS. B. HARVIE )	
MR. R. TUER, Q.C. )	ONTARIO FOREST INDUSTRIES
MR. R. COSMAN )	ASSOCIATION and ONTARIO
MS. E. CRONK )	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY )	ASSOCIATION
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DR. T. QUINNEY )	ANGLERS & HUNTERS
MR. D. HUNTER )	NISHNAWBE-ASKI NATION
MS. N. KLEER )	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI )	
MS. M. SWENARCHUK )	FORESTS FOR TOMORROW
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MR. R. BARNES )	ASSOCIATION
MR. R. EDWARDS )	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER )	OUTFITTERS ASSOCIATION







APPEARANCES: (Cont'd)

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MS. B. LLOYD	)	
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		DEVELOPMENT & MINES
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MR. C. BRUNETTA

NORTHWESTERN ONTARIO  
TOURISM ASSOCIATION





I N D E X   O F   P R O C E E D I N G S

Witness:

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Cross-Examination by Ms. Blastorah	48626
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I N D E X   O F   E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1602	Two-page letter dated September 13, 1990 to Robert Booth, Management Forester of Domtar Forest Products from Dave Wolfenden, Resources Co-ordinator of Outward Bound.	48582
1603	OFAH interrogatory question Nos. 3(12), 17, 21(3) and 33; MNR interrogatory Nos. 29, 30, 31, 32 and 33 and answers thereto.	48626





1 ---Upon commencing at 9:10 a.m.

2 MADAM CHAIR: Good morning. Please be  
3 seated.

4 Good morning, Mr. Cosman.

5 MR. COSMAN: Thank you, Madam Chair.  
6 Madam Chair, having more time sometimes benefits the  
7 hearing process in that I have whittled down my  
8 cross-examination and I don't feel I need more than  
9 about an hour.

10 MADAM CHAIR: All right. Fine.

11 MR. COSMAN: I would like to communicate  
12 that to my friends.

13 MADAM CHAIR: Thank you, Mr. Cosman.

14 ROBERT PAYNE, Resumed

15 CROSS-EXAMINATION BY MR. COSMAN:

16 Q. Dr. Payne, you have undoubtedly heard  
17 the expression that it is a free country, I am entitled  
18 to my opinion?

19 A. Undoubtedly.

20 Q. And you are quite aware as a social  
21 scientist that people hold and express opinions whether  
22 or not they have the knowledge or experience to justify  
23 those opinions?

24 A. I couldn't say that I'm aware of  
25 that. I suspect it happens. I don't know whether you

1       could generalize to say this is how people interact  
2       with people who are perhaps more expert than them.

3                   Q.   Just on the basis of an understanding  
4       of human nature, don't you agree that people seem to be  
5       able to express opinions on subjects whether or not  
6       they have knowledge or experience to support those  
7       opinions?

8                   A.   No, I don't agree with that.

9                   Q.   You can't agree with that?

10                  A.   No, I can't agree with that.

11                  Q.   You often hear, and I am asking you,  
12       people say things such as: I'm no economist, but if  
13       you ask me... and they go on to express an opinion  
14       really that an economist or a trained economist would  
15       be in his area of expertise?

16                  A.   I have heard some people say that,  
17       yes.

18                  Q.   In fact, that's not uncommon if you  
19       have listened to any talk show when you are on the  
20       road; is it not?

21                  A.   I have no idea whether it's common or  
22       uncommon. I have no statistical information to go on  
23       and certainly I don't count my own experience in  
24       encountering people, particularly representative or  
25       statistically significant.

1 Q. Well, apart from the statistics of  
2 it, and perhaps you haven't been funded to do a  
3 statistical study of it, are you saying that you don't  
4 agree that people don't seem to be held back in  
5 expressing opinions where they have -- where they lack  
6 knowledge and experience to justify those opinions?

7 A. Can you put that one more time. I  
8 think you had a couple of notes in there and I got lost  
9 on the second or third one.

10 Q. All right. Separate and apart from  
11 any statistical study that wasn't done by you, are you  
12 able to say -- I will just change it slightly.

13 Are you able to say that people hold  
14 themselves back because of a lack of knowledge and  
15 experience in expressing opinions?

16 A. No, I'm not able to say that.

17 Q. You are not able to say that. All  
18 right.

19 In fact, when people express opinions to  
20 tribunals, as you know they do so sometimes on the  
21 basis of experience and knowledge and sometimes they go  
22 beyond that. Do you have any experience of that from  
23 your background?

24 A. No, I don't.

25 Q. You don't, okay. Some people when



1       they express opinions qualify it on the basis of their  
2       expertise, and I might ask you to turn to Exhibit 1596  
3       which is the Eidsvik address in Sault Ste. Marie. Mr.  
4       Eidsvik is the senior policy advisor on Canadian Park  
5       Services.

6                   MR. COSMAN: Madam Chair, it is a very  
7       short document.

8                   Q. Perhaps if I could just take you to  
9       page 2 of that address by Mr. Eidsvik. He says on page  
10      2 at the top:

11                   "Having worked as a forester in park  
12                   management for some 30 years, I must  
13                   confess that my knowledge of timber  
14                   allocation, forest management,  
15                   silvicultural systems and industrial  
16                   relations is somewhat limited. I will  
17                   try not to second guess any of your  
18                   studies or to provide you with profound  
19                   wisdom on them."

20                   Isn't it fair to say that true experts  
21       often express and recognize the limits of their own  
22       expertise when they offer or proffer opinions?

23                   A. Are you asking me to find that in  
24       here, in this paragraph?

25                   Q. I'm asking you a question. I put it

1 to you that this is an example of how some experts make  
2 it clear that their knowledge and experience have  
3 limits.

4 A. Yes, I think that's a fair comment.

5 Q. Now, I have spent part of my weekend  
6 reading the various articles that you have written  
7 either alone or jointly with others and, Dr. Payne, you  
8 have your Ph.D in geography and, as I understand it, on  
9 children's urban landscape was the subject of your  
10 thesis?

11 A. That's right.

12 Q. I have no question at all about your  
13 qualifications as a geographer and on the basis of the  
14 literature, the articles you have written that you have  
15 a lot of experience in dealing with parks policy.

16 Now, because the definition of geography  
17 you gave the Board was so broad - it is in fact almost  
18 as broad, if not broader, than the definition of  
19 environment under the Environmental Assessment Act - I  
20 want to explore the limits of that area of science if I  
21 may with you.

22 I am not taking anything away from what  
23 you have, but I want explore the limits of what your  
24 area of expertise is. You described geography as the  
25 human use of a natural environment, its cultural,

1 social and psychological dimensions which is fairly  
2 broad, as you will recognize.

3 Now, you told Mr. Hanna that you took  
4 some courses in economics at university and I trust  
5 that you accept that this doesn't make you an economist  
6 entitled to give opinions as an economist?

7 A. I certainly accept that.

8 Q. And you are familiar with the area of  
9 expertise on organizational and management structure as  
10 an area of study?

11 A. Yes.

12 Q. And you don't hold yourself out as an  
13 expert on organizational and management systems; do  
14 you?

15 A. No, I don't. Having said that, I  
16 think it's fairly obvious that for a planning process  
17 to produce a plan, which it intends to produce, the  
18 whole organizational -- the organization and structure  
19 of any agency is an important dimension of that; in  
20 other words, you can't expect to put spinach through a  
21 grinder and to get whole leaf spinach out the other  
22 side. It's going to be changed by the grinder.

23 Q. No question about that. You are not  
24 qualified, nor do you pretend to be qualified as a  
25 forester; do you?



1 A. Certainly not.

2 Q. Neither are you qualified as a forest  
3 ecologist?

4 A. Certainly not.

5 Q. Nor are you qualified as a wildlife  
6 biologist?

7 A. No, I'm not.

8 Q. So if I were to ask you if there was  
9 more biological diversity in a jack pine forest  
10 following harvest rather than fire you wouldn't venture  
11 an opinion because that's an area of science that's  
12 outside the area of your expertise?

13 A. That's correct.

14 Q. And you are not an expert in  
15 industrial psychology?

16 A. Industrial psychology, no.

17 Q. So when you talk about the  
18 psychological dimensions of geography, that is part of  
19 the definition of geography, you would have taken a  
20 course or two in psychology; would you?

21 A. There was a psychologist on my Ph.D  
22 committee at the University of Calgary.

23 Q. All right. You are not a  
24 psychologist yourself?

25 A. I'm not a psychologist myself.

1 Q. And I think you have already  
2 indicated in earlier cross-examination that you have  
3 never prepared an operational plan for timber  
4 management or for any other resource, for that matter?

5 A. That's not quite correct. I  
6 certainly have never prepared a timber management plan.

7 Q. You've prepared -- all right. Start  
8 there. You have never prepared a timber management  
9 plan?

10 A. That's correct.

11 Q. Mr. Hanna asked you this specific  
12 question, whether you had ever prepared an operational  
13 plan for resources. Have you prepared an operational  
14 plan for another resource?

15 A. I think I referred Mr. Hanna or  
16 certainly I referred the Board to a study I did in  
17 association with the OMNR office at Owen Sound on the  
18 \*\*Pretty River Valley Provincial Park Reserve as it was  
19 at the time.

20 Q. So you were a consultant, I believe,  
21 on that I think you indicated?

22 A. I was.

23 Q. Were you actually preparing the park  
24 plan?

25 A. It wasn't so much a park plan as it

1 was an attempt to look at the specific issues that were  
2 related to recreational use and resource protection. A  
3 plan did come out of it.

4 Q. So you have had some experience in  
5 advising on the preparation -- on parks planning in the  
6 Owen Sound area?

7 A. Yes, that's correct.

8 Q. Would that be the extent of your  
9 experience in dealing with operational plans for  
10 resources -- in the preparation of operational plans  
11 for resources?

12 A. Am I to understand that an  
13 operational plan includes a fisheries plan, District  
14 Land Use Guidelines as well?

15 Q. Yes. I'm not asking where you may  
16 have sent in a comment, I am asking you whether you  
17 have prepared an operational plan for one of those  
18 resources?

19 A. In terms of preparation, no. I, of  
20 course, hoped every time I sent in a comment to the  
21 Ministry that it would contribute to the preparation of  
22 the operational plan.

23 Q. Apart from the consulting that you  
24 referred to in your examination-in-chief with the  
25 Ministry of Natural Resources in Owen Sound, have you



1 ever had a job in the resource sector managing a  
2 resource plan?

3 A. No, I haven't.

4 Q. Have you ever had a job in private  
5 industry?

6 A. Yes, I have.

7 Q. When was that and what was the  
8 context?

9 A. That was in -- well, in several  
10 cases. In New Zealand I was employed by Fletcher  
11 Challenge in a plywood plant; in Ingersoll, Ontario, I  
12 was employed by a screw machine products firm; and I  
13 think in Calgary I was employed by a law and  
14 maintenance firm.

15 Q. And this was in the course of your  
16 studies? This was part-time employment while you were  
17 travelling?

18 A. In the case of New Zeland, no, that  
19 was my job.

20 Q. Okay. That was before your academic  
21 studies?

22 A. No, after.

23 Q. After.

24 A. Or in between.

25 Q. All right. Have you ever worked in

1 the resource sector in private industry in managing a  
2 resource?

3 A. No, I haven't.

4 Q. Now, I am interested -- you referred  
5 to the work that you were doing at Lakehead in  
6 conjunction with the forestry department there and I  
7 believe you indicated that you have been invited to  
8 speak to young graduate foresters and you also sat on a  
9 thesis committee?

10 A. That's correct.

11 Q. I think there were two foresters and  
12 you were the social scientist on the committee?

13 A. That's correct.

14 Q. So is it fair to say that the  
15 Lakehead Forestry Department is introducing young  
16 foresters to social science techniques because of your  
17 involvement?

18 A. I don't think it's fair to say that.  
19 I think they are introducing young foresters to social  
20 science and other techniques as part of the program.

21 Q. Okay. I will accept that. That is  
22 what I was trying to ask.

23 Now, I want to deal with your experience  
24 in northern Ontario. Looking at your CV, most of your  
25 life was spent in the south. You indicated that you

1       feel like a northerner now, but from my look at your CV  
2       you actually went to the north to Thunder Bay in 1988;  
3       is that correct?

4                   A.   That's correct.

5                   Q.   And before that -- so for the last  
6       two years you have been in Thunder Bay, but before that  
7       you spent your life in the south?

8                   A.   Well, more or less, yes.

9                   Q.   And I trust you don't consider  
10      yourself an expert on northern Ontario--

11                  A.   No.

12                  Q.   --after two years?

13                  A.   I don't.

14                  Q.   Okay. Now, perhaps just in that  
15      context, and I realize that you haven't read all of the  
16      evidence in this hearing - I won't even confess to  
17      having read all of the evidence - but in your  
18      examination-in-chief last week you were making  
19      reference to the loss of benefits.

20                  Without giving you -- reading a whole  
21      paragraph I will ask you the question in a general way  
22      again to --

23                  MR. LINDGREN: Excuse me, Mr. Cosman,  
24      could we have the transcript reference, please?

25                  MR. COSMAN: I just said I wasn't going

1 to do it, but certainly. Page 9 and 10.

2 MR. LINDGREN: Of volume...?

3 MR. COSMAN: Volume 267. I had a volume  
4 printed of the evidence that Dr. Payne gave last  
5 Wednesday.

6 Q. You were referring to -- this is how  
7 you put:

8 "I think we have to find a way to  
9 accommodate both possibilities..." You  
10 are talking about the forest industry and the tourist  
11 industry,

12 "...because if we lose the benefits,  
13 perhaps both social and economic which  
14 come from having access to fly-in fishing  
15 and hunting opportunities, then in many  
16 cases we are losing those benefits. They  
17 are gone."

18 So nothing very complicated or  
19 controversial about that statement, but would you not  
20 agree in the context of northern Ontario that in  
21 addition to the loss of benefits that might derive to a  
22 fly-in tour operator, benefits in northern Ontario are  
23 created by increased access and those benefits include  
24 such things as benefits for recreational users,  
25 fishing, hunting, bird watching, that increased access



1 can in some circumstances increase the benefits?

2 A. No, I certainly wouldn't agree to  
3 that statement. I think that is precisely why I have  
4 been arguing that it's important to understand what the  
5 public in Ontario values about the natural environment  
6 in the area of the undertaking, and to do planning that  
7 is responsive to the way the public values what's in  
8 the natural environment and, more importantly, to  
9 conduct the kind of cost/benefit analysis that will  
10 tell you just that in a particular district.

11 I don't think it makes much sense at all  
12 to talk in general terms about access, improving  
13 benefits nor, for that matter, access having an effect  
14 on cost because it's a specific question that can only  
15 be answered in a specific area.

16 Q. You had no difficulty in making the  
17 comment that loss of a fly-in fishing opportunity  
18 because of increased access would be a loss of  
19 benefits.

20 Why in the same sense could you not  
21 fairly state the opinion that in some circumstances -  
22 and that's how I put it - increased access could result  
23 in an increase of benefits? I mean, you are in Thunder  
24 Bay --

25 A. I can accept the way you just put it,

1 but to me what is required there is the use of the  
2 sorts of planning model that I talked about last week  
3 and the use of sophisticated cost/benefit analysis  
4 which is the point of using it because it will enable  
5 you to say in district "x" these are the possible  
6 benefits, these are the costs, what are we going to do.

7 Q. Well, subject to the cost of the  
8 cost/benefit analysis, which we won't get into here  
9 today because that's perhaps an economic issue, you  
10 would agree with me that increased access can result in  
11 increased benefits in northern Ontario for some people?

12 Basically what you are saying is you  
13 would like to have a more sophisticated tool used to  
14 try to weigh the costs and benefits in any situation?

15 A. I would only agree with that  
16 statement if you also included the cost factor because  
17 it seems to me that while benefits may occur because of  
18 access, costs may also occur and I think it's important  
19 to look at the both of them in the proper context of  
20 the area for which we are doing the planning.

21 Q. Well, I have no quarrel with that.

22 A. Okay.

23 Q. Maybe I could just take you to  
24 your -- let me just take you to your witness statement  
25 at page 32.

1 A. Yes, I have 32.

2 Q. In the context -- perhaps we will  
3 wait until everybody has found it here.

4 In the context of your discussion of  
5 utilitarian values, and this the particular example you  
6 gave of character building, you make reference to  
7 character building as a value that has come to be  
8 associated with nature through organizations such as  
9 Outward Bound and others.

10 Can you please describe the organization,  
11 the Outward Bound organization that you refer to here  
12 and why you use that as an example?

13 A. The Outward Bound organization  
14 attempts to take the people, young and old, I suppose,  
15 and use the outdoors to try and foster group ties  
16 amongst a group of people where there had been no group  
17 ties in the past.

18 The importance of doing that from Outward  
19 Bound's point of view and perhaps from the agencies and  
20 companies and corporations that might make use of the  
21 Outward Bound facilities is to develop that group, is  
22 to produce that kind of group feeling that is important  
23 in organizations and business, et cetera.

24 Q. How does that organization use the  
25 natural environment to foster that group feeling?

1                   A. It puts people in situations in  
2 essentially wilderness environment without depending on  
3 other members of the group and, in fact, without  
4 supporting other members of the group, the sorts of  
5 tasks that Outward Bound sets for individuals would not  
6 be possible to achieve.

7                   Q. I am going to show you a letter from  
8 the Outward Bound organization. It's a two-page  
9 letter.

10                   (handed)

11                   MADAM CHAIR: Thank you, Mr. Cosman. Do  
12 you want that to be an exhibit?

13                   MR. COSMAN: Yes, please.

14                   MADAM CHAIR: It will be Exhibit 1602.  
15 This is a two-page letter?

16                   MR. COSMAN: Yes. It is to Domtar from  
17 the resource co-ordinator for Outward Bound.

18                   MADAM CHAIR: The date is September 13,  
19 1990.

20                   MR. COSMAN: Yes.

21                   ---EXHIBIT NO. 1602: Two-page letter dated September  
22 13, 1990 to Robert Booth,  
23 Management Forester of Domtar  
24 Forest Products from Dave  
Wolfenden, Resources Co-ordinator  
of Outward Bound.

25                   MR. COSMAN: Q. You commented on a



1 number of different papers that were put to you, Dr.  
2 Payne. You were asked to read certain paragraphs and  
3 one was an organizational paper, a criticism of the MNR  
4 organization or different things you read paragraphs  
5 from.

6 I am going to take the time, just a very  
7 short letter, to read it and ask you to comment on  
8 aspects of it as well. The letter is to the Management  
9 Forester of Domtar from Outward Bound. I think  
10 pertinent to what you described the organization, you  
11 will see in bottom left-hand corner just above Printed  
12 on Recycled Paper "Canadian Outward Bound Wilderness  
13 School is a non-profit educational organization", and  
14 the resources co-ordinator for Outward Bound says:

15 "Dear Mr. Booth, as you are aware, over  
16 the past several years Outward Bound has  
17 been active in providing input to various  
18 Timber Management Plans in the Thunder  
19 Bay region, including those relating to  
20 the Armstrong Forest. Most recently, we  
21 raised concerns pertaining to operations,  
22 proposed by Domtar, that would have  
23 adversely effected a heavily used portage  
24 trail between Kenakskaniss Lake and the  
25 south end of Boulder Lake, known locally

1 as the 'Boulder Portage'. Ultimately, a  
2 very equitable compromise was arrived at  
3 in which every effort was made on your  
4 behalf to protect the integrity of that  
5 important portage trail while still  
6 retaining access to mature harvestable  
7 stands in Block 150."

8 And you will agree with me, Dr. Payne,  
9 that organizations such as Outward Bound with proper  
10 management can co-exist very well with the forest  
11 industry, or do you have any are experience to say yes  
12 or no?

13 A. I have no experience to say yes or  
14 no, really.

15 Q. All right.

16 "In Outward Bound's view, this compromise  
17 positively supports the increasingly  
18 evident fact that  
19 recreational/educational interests  
20 can satisfactorily co-exist with  
21 harvesting interests when there exists a  
22 spirit of shared understanding. Outward  
23 Bound recognizes that we have chosen to  
24 establish ourselves in a region heavily  
25 dependent upon logging and pulp and paper

1 production. We also recognize that the  
2 natural resources of this region are very  
3 attractive to many people from a  
4 recreational and education point of view.  
5 As you may already know, Outward Bound  
6 focuses primarily on the educational  
7 aspects of the wilderness and offers  
8 programs to a broad spectrum of  
9 individuals and groups seeking to explore  
10 the wilderness as a vehicle for personal  
11 development."

12 And that's exactly how you described it.

13 "To facilitate a better  
14 understanding of Outward Bound's  
15 programs, I have included a detailed  
16 information package for your perusal."

17 Then the next paragraph I was going to  
18 ask your comment again.

19 "Typically our organizations have  
20 communicated through the auspices of the  
21 MNR and TMP public information centres.  
22 Although there have been productive  
23 results from these meetings, we believe  
24 the process could be made more effective  
25 by exchanging information about our

1 mutual long-term plans in advance of the  
2 usual public information process. In so  
3 doing, we may be able to avoid the need  
4 to hastily react to one another's  
5 proposals at a point when the Timber  
6 Management Planning needs to be  
7 expedited, not delayed. The type of  
8 information we would see being useful to  
9 Domtar would consist of details  
10 pertaining to those portage trails and  
11 canoe routes that are most important to  
12 us, the specific times when we use these  
13 routes and the degree of flexibility we  
14 may have in terms of co-ordinating our  
15 usage with your annual work schedules.  
16 Moreover, given that Outward Bound seeks  
17 to provide a balanced educational  
18 perspective on a whole range of issues,  
19 we would welcome the opportunity to  
20 include in our courses presentations and  
21 tours by your foresters designed to  
22 educate our students about the  
23 complexities of the forest management  
24 industry."

25 Then it goes on to offer the particular



1 individuals at Domtar for a chance to visit their base  
2 camp. It says:

3 "Outward Bound hopes that by initiating  
4 this process our two organizations can  
5 continue to discover ways to share the  
6 resources that we both directly rely upon  
7 for our continued growth."

8 Now, I believe that you made a similar  
9 point in your evidence last week of the need for early  
10 communication of information?

11 A. I did make that point.

12 Q. So the same kind of point that the  
13 representative of Outward Bound makes would be  
14 something that you would support as a matter of  
15 process?

16 A. I would certainly support the kind of  
17 communication that Outward Bound is talking about here,  
18 but I would suggest that it's probably better to have  
19 that communication in an open forum with other  
20 stakeholder groups that might have a concern or  
21 interest in the Armstrong Forest or in other forests.

22 Q. And I believe also you said last week  
23 in the same regard that you believe that public  
24 participation was a good thing at different levels?

25 A. Yes, I said that.

1 Q. In addition to the local or district  
2 level, you would support public participation in an  
3 open forum, again, at the regional level and even at  
4 the provincial level; would that be fair?

5 A. Public participation in regard to...?

6 Q. In regard to what we were talking  
7 about, different interests, different parties with  
8 different values communicating to the manager of the  
9 resource their needs and what their values so that  
10 planning can accommodate them.

11 A. In regard to something like a forest  
12 policy, I would certainly support that. That would be  
13 something that would be relevant certainly right across  
14 the entire province, as well as very, very  
15 specifically.

16 For something like a specific timber  
17 management plan at those various levels, I don't see  
18 the point of doing it that way. In fact, it seems to  
19 me to be a little bit counter-productive. In a forest  
20 policy discussion, it would be possible to integrate  
21 the concerns people have about non-timber, as well as  
22 timber values.

23 In the context of a timber management  
24 plan at a regional level or a province-wide level, we  
25 are back into functional planing one more time.

1 Q. You are talking more on a policy  
2 level on a provincial and regional level?

3 A. That's what I understood you wanted  
4 me to comment on.

5 Q. Yes. Do you agree that the kind of  
6 information that Outward Bound wanted communicated  
7 earlier ought to be communicated earlier?

8 A. Yes, I think so, although here  
9 clearly the issue seems to turn on one particular  
10 portage which is obviously a very, very small portion  
11 of this particular unit and it seems to be a portion of  
12 that unit that's especially important to this  
13 particular location of Outward Bound.

14 Q. I suggest to you, sir, that you would  
15 find that on any unit anywhere where the particular  
16 resort owner or cottage owner has that same kind of  
17 specific need?

18 A. I accept that. I think my point is  
19 is, is that by taking this kind of discussion about a  
20 specific forest management unit to the region or even  
21 beyond --

22 Q. No, I wasn't suggesting that.

23 A. Okay.

24 Q. At the district or local level, this  
25 kind of discussion at an early stage, I think you have

1 already indicated, you would support?

2 A. I would support a formalized  
3 discussions of this sort. I think the kind of  
4 communication that's going on here is quite good, but  
5 clearly in a formal situation it would be better.

6 Q. With the different stakeholders at a  
7 meeting perhaps?

8 A. Yes, something like that.

9 Q. And at the regional and provincial  
10 levels, it is a different kind of communication of  
11 larger issues that would be the subject of that kind of  
12 discussion?

13 A. Yes. Policy level issues, yes.

14 Q. Okay. So if a planning process -- I  
15 realize you are not a timber management planner, but if  
16 a planning process incorporated those elements you  
17 would agree that it is a good idea?

18 A. Yes. I would hope that the kinds of  
19 discussions that went on, for example, with respect to  
20 forest policy would be broad enough to encompass the  
21 kinds of concerns that I've had with respect to  
22 non-timber values, as well as timber values.

23 Q. So you would certainly support having  
24 as parties to those discussions those persons who are  
25 knowledgeable about and have a stake in and who can



1 speak for the furtherance of those non-timber values?

2 A. At the policy level, certainly those  
3 people would be important, but I think you would need  
4 to give so-called ordinary Ontario residents an  
5 opportunity to speak as well whether through an open  
6 house or open houses or some other forum such as that.

7 Q. Even though there were stakeholders  
8 committees, if you want to call them that just for sake  
9 of our discussion, you wouldn't want a system that  
10 would exclude the public generally?

11 A. No, I wouldn't certainly. As far as  
12 the stakeholders are concerned, I think the  
13 stakeholders are much more relevant. It is clearly a  
14 question of degree rather than presense or absence, but  
15 they are much more relevant at the district or FMU  
16 level.

17 Q. Okay. If I may ask you to turn in  
18 your witness statement to page 44.

19 A. Yes, I have that.

20 Q. In the section that starts with  
21 Comprehensive Forest Planing and Management, Mr.  
22 Lindgren started his questioning of you on this  
23 particular section by asking if you relied upon Panel  
24 10 for this part of your witness statement and you said  
25 yes?

1 A. Yes, that's correct.

2 Q. That's because, again, you are not a  
3 forester or a timber management planner and Panel 10  
4 focuses on those issues?

5 A. No. Panel 10 focuses on the wider  
6 issues of forest planning.

7 Q. Yes, all right. Let me ask you this:  
8 But you relied upon Panel 10 for your knowledge in this  
9 area?

10 A. No. Portions of this, and certainty  
11 it connects to what's gone before and what comes after,  
12 comes from my own experience with the U.S. Forest  
13 Service which is what Panel 10 is about.

14 Q. Okay. Now, you were not a resource  
15 manager with the U.S. Forest Service. I think you have  
16 indicated you have attended some panel session and you  
17 have done some reading in that area. Have you ever  
18 worked with the U.S. Forest Service?

19 A. No, I haven't actually worked with  
20 the U.S. Forest Service. However, in addition to  
21 attending panels on their national recreation strategy,  
22 as well as other sorts of things at the conferences  
23 that I mentioned before, I think the social science and  
24 resource management conference where the forest service  
25 was well represented. I have personal contacts in the

1 forest service.

2 I have utilized the forest service  
3 planning model in classes that I have taught and I've  
4 put to use in several places the basic recreation  
5 opportunity spectrum planning framework that I spoke  
6 about last week.

7 Q. And those ideas that you are using  
8 come from the U.S. system?

9 A. Well, they have been operationalized  
10 in the U.S. system, but I guess it's difficult to say  
11 where ideas come from. The borders certainly know...

12 Q. In terms of practical experience --  
13 okay. You have looked at the U.S. system from the  
14 perspective of your teaching and writing in the  
15 recreational area; is that fair?

16 A. I don't think that's fair either.  
17 Certainly, if you were to go back into the Ministry  
18 archives and find some of the letters I wrote with  
19 respect to land use guidelines and strategic plans, I  
20 think you would find probably many of the same kinds of  
21 concepts there that I have talked about this week or  
22 today and last week.

23 Q. Okay. Let me see if I can deal with  
24 this very straightforwardly and simply. You haven't  
25 worked as a resource manager in the United States, you

1 have been exposed to it as an academic through your  
2 reading, through panels you have attended and through  
3 some personal contacts you have?

4 A. That's correct.

5 Q. All right. And you don't pretend to  
6 be an expert or the U.S. Forest Service system and, as  
7 you said in response to Mr. Lindgren's system, you  
8 relied upon Panel 10 largely for that?

9 A. That's correct.

10 Q. And even though you are not an expert  
11 in the U.S. system, are you aware of the strong  
12 criticisms of the U.S. system in the United States  
13 itself?

14 A. Yes, I am.

15 Q. And with respect to the U.S. system,  
16 I think you indicated in your evidence-in-chief that it  
17 was the 1976 Act that legislated that system, that  
18 brought it into being?

19 A. That, plus the Environmental  
20 Protection Act of 1969, I guess.

21 Q. Right. And what was the 1976  
22 legislation called?

23 A. The National Forest Management Act.

24 Q. And I think you said also in your  
25 evidence earlier last week that in your view a new



1 legislative regime was necessary to get the results  
2 that you consider desirable?

3 A. Yes, that's what I think.

4 Q. And you recognize, Dr. Payne, that  
5 there is a different legislative regime in place in  
6 Ontario under which this Board is operating?

7 A. The difference between the U.S.  
8 National Forest and Ontario?

9 Q. Yes.

10 A. Yes, certainly.

11 Q. All right, thank you. I would like  
12 now to go to the social science recommendations that  
13 you have. You advocated the hiring of social  
14 scientists at provincial and regional office and you  
15 indicated in your evidence that the Ministry of Natural  
16 Resources in your opinion lacks this capacity at the  
17 present time?

18 A. I think the capacity is limited, yes.

19 Q. It's limited, all right. Now, you  
20 filed as an exhibit Exhibit 1598.

21 I wonder if I could ask the Board to turn  
22 to that. That's the document using the CWS data for  
23 Ontario that had the different groups.

24 Now, Exhibit 1598, is this an example of  
25 the kind of work that you consider a social scientist

1 would do that would be valuable for the Ministry of  
2 Natural Resources?

3 A. Yes.

4 Q. I would just like to explore this  
5 with you just very briefly.

6 As I understand it, you did an analysis  
7 of the CWS statistical study, if you want to call it  
8 that, and among other things you divided up the number  
9 of respondents - I am looking at D - into five distinct  
10 groups based on questionnaires that you posited or did  
11 you rely on the data itself to come up with these  
12 various value groups?

13 A. I relied on the data itself.

14 Q. There was no independent work; it was  
15 a question of analysing the data that the CWS had  
16 collected?

17 A. Whenever one analyses data, which is  
18 called secondary data because somebody else collects  
19 it, one takes different approaches to it.

20 If I were to bring in the stack of data  
21 that the CWS has even for Ontario, you would not find  
22 anything in it but numbers. There is no analysis of  
23 the data at all.

24 What is -- what comprises the data are  
25 the responses, the coded responses for the various

1 questions set in a particular format. To analyse that  
2 data, it's necessary to decide which variables one  
3 wants to use and it's necessary then to find an  
4 analytical technique that will manipulate those  
5 variables to allow you to get at or to test the kinds  
6 of questions that you have in your mind. So when you  
7 say that I didn't do any analysis --

8 Q. No, I didn't say that, independent  
9 collection of the data. I wasn't -- you are being  
10 defensive, I wasn't criticizing you. I just wanted to  
11 establish --

12 A. I am trying to establish here  
13 precisely what you said. I didn't collect the data. I  
14 used the data as it came to me from Statistics Canada  
15 who make the data available.

16 Q. That's what I asked.

17 A. All right.

18 Q. In your analysis, among other things,  
19 what you did in this particular study in November,  
20 1990, not very long ago, is divided up into -- or  
21 create five distinct value groups which you have  
22 described on part D and I would like just to explore  
23 how you did that because I am having some difficulty in  
24 deciding how a person would fit into one group or  
25 another.

1                   For example, a person who is moderately  
2                   interested in watching wildlife, belonged to a  
3                   naturalist organization and did some hunting, which one  
4                   would he fall into as between the public, the  
5                   conservationist, the naturalist, the hunter and the  
6                   wildlife enthusiast?

7                   A. I have no idea. That certainly --  
8                   that kind of question doesn't fit with what this is  
9                   trying to do. If you are trying to sort of find an  
10                  individual person who would fit on these three, you are  
11                  not going to.

12                 You are going to have to look at the  
13                 individual in terms of his or her response to all eight  
14                 or nine of the value questions that were contained in  
15                 the data set because the technique I use takes all of  
16                 those variables together.

17                 Q. The reason I asked the question the  
18                 way I did is that there is one element of the distinct  
19                 value group, as described in your document, that would  
20                 put that individual in any one of those groups.

21                 Let me put it this way. The person  
22                 moderately interested in watching wildlife is a person  
23                 described as group 1 where you found 8,299 Ontarions,  
24                 the person who is a member of a naturalists  
25                 organization, you found that to be a particular



1 qualification of person in group 2, the person who did  
2 some hunting was found in both the hunter group and the  
3 wildlife enthusiast group.

4 So I am just trying to understand in  
5 terms of helping the Ministry of Natural Resources or  
6 any body that has the responsibility for managing the  
7 resource. You call them five distinct groups, where in  
8 fact by your description of the persons who compose  
9 those groups you may have a person who doesn't fit so  
10 clearly in such a distinct group. Do you agree with  
11 that?

12 A. No, I certainly don't agree with  
13 that. Several points I think here need to be  
14 clarified, No.1, as I pointed out last week when I did  
15 this, these are made up of people who indicate that  
16 these kinds of activities are interesting or important  
17 to them. The participation in them --

18 Q. Forget my --

19 A. This is an important point.

20 Q. I stand corrected. Forget the  
21 participation, I should have said expressed an  
22 interest.

23 A. Okay. It is an important distinction  
24 to be made, however, between participation and interest  
25 because one may be interested but simply not have the

1 time, et cetera, you know how it goes. That's  
2 something that is quite relevant.

3 The other aspect here that's important to  
4 note is that for any individual who responded to this  
5 particular survey to be put into one or the other of  
6 these particular groups requires an assessment of where  
7 that individual stands on one particular variable, say,  
8 for example, watching wildlife, but that is in relation  
9 to all the other variables.

10 For example, an individual could have  
11 indicated that all of these things are highly important  
12 to this individual, and under those circumstances where  
13 would you likely to find him. You would likely find  
14 him in group No. 5, wildlife enthusiast kind of group,  
15 but if you take two or three of these value dimensions  
16 and try to place yourself in one of these value groups,  
17 it simply is not going to work because the policy is a  
18 whole. It's composed of those nine variables and  
19 individuals where those nine values determines into  
20 which group they came.

21 The other point that's probably  
22 worthwhile making is, I say these groups are distinct,  
23 I mean distinct in a statistical sense; that is, that  
24 the method that I have used here indicated that these  
25 groups are in fact statistically different one from the

1 other and this is a common way by which social  
2 scientists and other scientists for that matter attempt  
3 to make sure they are not funneling the data, not  
4 reading into the data. It is a safety check if you  
5 like. It is an attempt to be conservative in how one  
6 enters the results of the data into the analysis in  
7 social science.

8 Q. So coming back to your point on which  
9 I stood corrected, which I understood but didn't  
10 express it very well, this expresses an interest other  
11 than participation.

12 One might, as you have described it, have  
13 an interest in collecting wildlife art and I think you  
14 have two groups, groups 2 and 3 as being groups that  
15 have an interest in collecting wildlife art. It would  
16 make a big difference, would it not, in actual  
17 participation if that person or such persons were  
18 employed or not and, therefore, had the ability to  
19 collect wildlife art?

20 A. Yes, that's why it is important to  
21 distinguish between this value approach that I am  
22 talking about and participation. There is likely to be  
23 a difference between the values that are expressed by  
24 these particular groups and these variables and  
25 actually participation in the activity that the CWS

1 asked about when they surveyed them.

2 Q. One might be interested in  
3 recreational boating, but if one has lost one's job and  
4 can't afford to keep the boat, it might have show as an  
5 interest in boating, but that person in fact may be  
6 spending a lot of time in locating a job in southern  
7 Ontario?

8 A. Boating has nothing do with this.  
9 Clearly --

10 Q. Let's say collecting wildlife art.

11 A. Considering the fact that we are  
12 talking about people here who could range from 15 right  
13 on to whatever, that individual who was interested in  
14 wildlife art, interested in hunting or whatever, could  
15 perhaps be unable to do -- be unable to participate  
16 simply because he is still in school or has no monies  
17 for that matter.

18 Q. So rather the resource manager who  
19 looks at that, sees somebody has an interest in  
20 photographing art or collecting wildlife art, now the  
21 resource manager looks at this, doesn't know if the  
22 person is 15 in school who doesn't have any money and  
23 can't afford to do, all he knows is that person might  
24 be included because that person has expressed an  
25 interest in answering the survey.



1                   At the same time it might include someone  
2           looking for a job in southern Ontario because there are  
3           no jobs in the community. That person might have  
4           expressed an interest in collecting wildlife art, but  
5           that interest might be subsumed by some stronger  
6           interest at the time, but the manager looking at this  
7           data wouldn't know that?

8                   A. No. Well, that's not entirely true.  
9           The manager looking at this data could find out about a  
10          particular group in terms of that group's social  
11          economic, demographics and so on, make-up.

12                   I can't see why the manager would be  
13          particularly interested from a manager point of view in  
14          knowing about one's economic problem age or some such  
15          thing as that. Obviously the manager is not managing  
16          for that one individual, he is managing probably for  
17          groups of individuals.

18                   Q. You are aware that in many  
19          communities in the north there are real economic  
20          problems in the fact that there isn't a diversity of  
21          economic choice of what to do?

22                   A. Yes, I am aware of that.

23                   Q. So we are not talking necessarily  
24          about one individual's desires when a mining town -- a  
25          mine goes down or a forestry town cuts back by 50 per

1 cent in the production from the mill in this town or it  
2 closes, it has an impact generally on the population of  
3 that town? We are not talking of one generally when we  
4 are speaking of managers in the north?

5 A. Yes, I certainly follow your  
6 argument, although I don't see what relevance it has.

7 Q. I am trying to find out what choices  
8 the resource manager has to make.

9 A. Okay.

10 Q. So even you might have 2,784  
11 Ontarions interested in photographing wildlife and  
12 collecting wildlife art, that might be quite relevant  
13 in a community where the mill has closed or where  
14 production cut -- there has been a cutback.

15 A. It may be. Who knows without  
16 actually talking to people in that particular  
17 community.

18 MADAM CHAIR: Is there any data in the  
19 survey that can act as a proxy to and demonstrate the  
20 measurement from interest into participation or take an  
21 estimation?

22 THE WITNESS: Certainly.

23 MADAM CHAIR: If you were looking at  
24 employed or unemployed as a proxy to actually  
25 participate --

1                   THE WITNESS: Certainly employment has  
2 always seemed to be a fairly critical measure or  
3 surrogate measure of income in terms of participation  
4 in all kinds of activities.

5                   As far as trying to gage a connection  
6 between those particular groups and the value dimension  
7 that they contain and participation, that can be done  
8 quite easily with the Canadian Wildlife service Data.  
9 As I said before, can go on to identify what kind of  
10 package of expenditures are associated with each form  
11 of participation.

12                  MR. MARTEL: Could you alter that  
13 study -- not the study itself, the data, if you were to  
14 throw in six or seven different variables in addition  
15 to the one you already used?

16                  THE WITNESS: Yes, but if I were to do  
17 that I would be kind of mixing apples and oranges. The  
18 reason that I used the variables that I did was because  
19 the CWS put them in specifically to get at the value  
20 orientation of individuals that it surveyed.

21                  If I were to throw in, for example,  
22 variables on participation with these particular  
23 variables, the result would not be particularly  
24 meaningful. In other words --

25                  MR. MARTEL: I think you started out by

1 saying you chose the variable that you wanted. They  
2 were not variables that CWS -- or they were the  
3 variables that CWS --

4 THE WITNESS: Yes. That's what I am  
5 working from, is the data that the CWS made available  
6 to me, which records the responses that individuals  
7 made to particular questions.

8 MR. MARTEL: Because, you see, I thought  
9 you said you picked the variables.

10 MR. COSMAN: Q. You defined the five  
11 distinct groups; did you not?

12 A. I defined the groups. I used the  
13 variables that CWS had included in the survey to get at  
14 the value side of the question.

15 MR. MARTEL: Okay.

16 MR. COSMAN: Q. All right. So this  
17 particular compilation of data that 511 Ontarions are  
18 highly interested in watching and feeding and  
19 photographing wildlife, et cetera, that is based on  
20 interest alone and not in participation and this  
21 particular data doesn't tell us how many of those are  
22 employed or unemployed?

23 A. This particular analysis doesn't tell  
24 us that. If we were to --

25 Q. Nor would it tell us the difference



1 in what the interest might be as between a person who  
2 is employed and isn't employed?

3 Someone who might have an interest in  
4 collecting wildlife art one day may answer the  
5 questionnaire differently on another day if he is  
6 looking for a job in the south; isn't that fair?

7 A. Certainly it's fair.

8 Q. Okay. Now, in addition to the  
9 questions about the data that have been raised, am I  
10 right that you indicated that this is Ontario wide  
11 data?

12 A. That's correct.

13 Q. And I think you even said or maybe if  
14 you didn't you can correct me, that we wouldn't even  
15 know, for example, in group 2 whether or not there is  
16 one person in Red Lake or in any particular community  
17 not in the north?

18 A. I wouldn't know that because the data  
19 set that I received from Statistics Canada does not  
20 include data -- or does not include variables, for  
21 example, that even relate to rural or urban location.

22 Statistics Canada, as probably you know,  
23 are quite concerned about being able to identify  
24 individuals and the whole issue of confidentiality has  
25 meant that it's not possible with the data set that I

1 have to go that low.

2 Now, in the original data set which I  
3 think the Ministry has and I know the CWS has, you can  
4 go to very specific situations and it would be possible  
5 with that data set to identify someone from Red Lake or  
6 Wawa or wherever.

7 Q. And even if there were one person  
8 from Red Lake or Wawa or wherever as part of the data  
9 set of 511 Ontarions in group 2, that particular fact,  
10 even if it is pulled out, doesn't help the manager, the  
11 resource manager for the MNR in Red Lake necessarily,  
12 does it, in terms of managing the resource on a local  
13 basis?

14 A. Well, I don't think I ever suggested  
15 that for the individual manager necessarily such a  
16 source of data would be the only source of data.

17 I have been recommending that this kind  
18 of analysis ought to be done on a province-wide level  
19 in order to identify target groups for programs with  
20 respect to wildlife, for example.

21 That information is useful to the manager  
22 in Red Lake but it has to be fine tuned, it has to be  
23 reality checked and I have been suggesting that a kind  
24 of stakeholders committee for district land use  
25 planning and other resource management planning teams

1 would be the way to do that.

2 Q. All right. I wonder if I can take  
3 you to page 12 of your witness statement.

4 A. Yes, I have that.

5 Q. And you are quoting Nelles 1974.

6 A. Yes. H.V. Nelles.

7 Q. And you say in the -- it's the last  
8 sentence of the paragraph just before the final  
9 paragraph. You say:

10 "There is, however, no reason to believe  
11 that either the benefits themselves or  
12 the distribution pattern of the benefits  
13 associated with timber management have  
14 changed substantially since the time  
15 period for which Nelles wrote."

16 Can you tell us what the time period is  
17 for which Nelles wrote?

18 A. He wrote for approximately the  
19 hundred year period 1845 to 1945.

20 Q. Now, I know you haven't read, again,  
21 all of the evidence before the Environmental Assessment  
22 Board, but do you really believe that the benefits or  
23 the distribution pattern of benefits associated with  
24 timber management haven't changed since 1945 or 1941,  
25 is what I had down as my closing date?

1           A. I think the possible benefits have  
2       probably changed. If one looks at the record one can  
3       see, for example, since the end of the second world  
4       war, and especially beginning of the 1950's, the rise  
5       of recreational participation in Ontario certainly  
6       caused an explosion in the potential range of benefits  
7       that were out there in the area of the undertaking. So  
8       that sort of potential benefits...

9           Q. Why would you say there is no reason  
10      to believe that either the benefits or distribution  
11      pattern of the benefits associated with timber  
12      management have changed substantially since 1945?

13          A. I guess I agree essentially with  
14      Professor Nelles' argument that the Ontario government  
15      and the forest industry have been close partners on how  
16      the north has been used for resource purposes over that  
17      period of time for which he writes and since that time.

18          Q. And so you really -- are you in a  
19      position to comment on the evidence that the Board has  
20      heard as to the changes since 1980?

21          A. I haven't been familiar with that  
22      evidence, so I would say no.

23          Q. All right. Now, you refer to your  
24      analogy of the white pine as either representing  
25      symbolic value, aesthetic value and -- I am just trying

1 to find the specific location in your evidence for  
2 that, but I will in a second, but you indicated that a  
3 forester, and this is from last week. You indicated a  
4 forester sees white pine as lumber board feet and for  
5 someone else it's symbolic or aesthetic value.

6 In the real world, I would suggest to you  
7 that foresters aren't so one dimensional as you would  
8 make out by that statement?

9 A. I would accept that. I think it's  
10 probably fair to say, too, either the person who I  
11 characterized as being aesthetically moved by the white  
12 pine may well see its value as a timber product.

13 Q. You are aware that people who work in  
14 the forest industry who live in the north are also  
15 citizens of the north in the communities in the north,  
16 they are recreationalists, canoeists, bird watchers as  
17 with other members of those communities?

18 A. Yes.

19 Q. And they can see the white pine as a  
20 thing of beauty or they can enjoy Thompson or A.Y.  
21 Jackson as much as any ten-year university professor?

22 A. Certainly.

23 Q. I want to finish off just with one  
24 small matter of resource policy. I don't know if you  
25 can speak to it, but are you aware of aggregate policy



1 in southern Ontario?

2 A. Vaguely.

3 Q. Well, for example, are you aware of  
4 the disputes that took place or that have taken place  
5 over the last number of years where municipalities have  
6 not wanted to have quarries or pits and quarries in  
7 their own backyard and where the provincial government,  
8 as a matter of provincial policy, has had to override  
9 that because of the need for aggregate in our society?

10 A. I'm aware of that generally, but as  
11 to the specifics none come to mind.

12 Q. All right. Do you accept that as a  
13 matter of policy that there may be provincial needs and  
14 requirements that sometimes override local interests?

15 A. I could see where that could arise  
16 and, in fact, that's the basis of course of the  
17 continued tension I suppose between provincial level  
18 and local level interest. I could see where that  
19 situation may well arise.

20 Q. And in the end it must the government  
21 of the day that decides what is best?

22 A. In the past I think it's been that  
23 way, but I think that there needs to be a better  
24 understanding of what is best and that's where I think  
25 the cost/benefit analysis comes into things.

1                   I think there is a far greater need now  
2                   than perhaps ever before, although certainly probably  
3                   the need was there before as well, for local people who  
4                   are going to be affected by this province-wide kind of  
5                   policy be involved perhaps more than the rest of us in  
6                   the ultimate decision making because they are the ones  
7                   who are going to be feeling the effects of that on an  
8                   ongoing basis.

9                   MR. COSMAN: Thank you, Madam Chair.

10                  Those are my questions.

11                  MADAM CHAIR: Thank you, Mr. Cosman.

12                  Ms. Seaborn?

13                  MS. SEABORN: Thank you, Madam Chair.

14                  Madam Chair, I have very few questions  
15                  for Dr. Payne. I should be finished in ten minutes or  
16                  so.

17                  In particular, Madam Chair, there are a number of  
18                  interrogatory responses that directed us to FFT's Panel  
19                  5 and Panel 10 evidence, so we will be dealing with the  
20                  timber management issues in the context of those  
21                  panels.

22                  What I would like to do today, though, is  
23                  ask Dr. Payne some questions in relation to an exhibit  
24                  that the Ministry of the Environment filed during MNR's  
25                  Panel 1 evidence. I have a copy here for the Board and

1 my friends and I provided a copy to Mr. Lindgren  
2 yesterday. It's Exhibit 51. (handed)

3 MADAM CHAIR: Thank you.

4 MS. SEABORN: Now, Madam Chair, this was  
5 an exhibit that was prepared, as I said, during MNR's  
6 Panel 1 evidence and it was prepared by MOE and  
7 reviewed with the MNR witnesses during our  
8 cross-examination.

9 CROSS-EXAMINATION BY MS. SEABORN:

10 Q. Dr. Payne, have you had an  
11 opportunity to review this exhibit?

12 A. Yes, I have.

13 Q. Now, Dr. Payne, if you look in the  
14 far right-hand concern of the exhibit under Policy  
15 Context you will see that there are three policies that  
16 were identified: integrated resource management  
17 philosophy, 1985, sustained yield policy and forest  
18 production policy, and MNR witnesses testified during  
19 Panel 1 that these are the three main policies that  
20 provide direction for the achievement of MNR's  
21 provincial forest resources program.

22 Now, what I wanted to ask you, Dr. Payne,  
23 was, in your evidence you identified principle from the  
24 World Conservation Strategy?

25 A. Yes.

1                   Q. And in particular you referred the  
2 Board to three principles in that strategy and they  
3 were to maintain essential ecological processes and  
4 life support systems, to preserve genetic diversity and  
5 to ensure the sustainable utilization of species and  
6 ecosystems.

7                   Now, in the context of a schematic  
8 planning framework such as this, I take it from your  
9 evidence that what you are suggesting to the Board is  
10 that an additional policy be formulated by the Ministry  
11 and that policy would be added to this right-hand box  
12 in order to provide direction to MNR for its resource  
13 program planning?

14                  A. Yes, I think that would be one  
15 possibility. I think that if those principles of the  
16 World Conservation Strategy are to be adequately  
17 blended in, then that's one way to go.

18                  Then, again, one could argue I suppose  
19 that there ought to be a forest policy that contained  
20 those principles and then production would be only one  
21 dimension of that policy in keeping with the  
22 sustainability development provision in the World  
23 Conservation Strategy.

24                  Q. That's what I am trying to  
25 understand, Dr. Payne. In the context of your evidence

1 to the Board you talked about the importance of these  
2 strategies, and so it would be your view that these  
3 sorts of strategies could either be a separate policy  
4 or they could become part of the forest production  
5 policy?

6 A. Yes. I think if I had my preference  
7 I would want them to be in forest policy itself rather  
8 than there be an addition one here because given the  
9 way the three are set up now, a fourth one could be  
10 contradictory and better that those principles be in  
11 one forest policy which directed all efforts on the  
12 forest.

13 Q. And then is it your position that  
14 these sorts of strategies, conservation strategies  
15 would not only direct timber management planning, but  
16 would also direct the other various resource management  
17 planning undertaken by MNR?

18 Those different plans are depicted by the  
19 bottom line of Exhibit 51; for example, district  
20 fisheries management plans, lake development plans.

21 A. Well, yes and no. I would prefer the  
22 connection to go, as I think the arrows do go, to the  
23 strategic land use plans, the three of them, and then  
24 down in the District Land Use Guidelines. The District  
25 Land Use Guidelines being where the provisions of the



1 World Conservation Strategy are actually translated  
2 into action in each district.

3 Q. Okay. So you would see a translation  
4 then through the SLUPS and then again down to the  
5 DLUGS?

6 A. That's correct.

7 Q. Okay. Now, I had a look at Forests  
8 for Tomorrow's terms and conditions, the total package  
9 that was filed on November 28th. Is there a specific  
10 term and condition that's being proposed by FFT that  
11 directs the Board to considering this as a change that  
12 should be made in the Ministry's current planning  
13 framework?

14 MR. LINDGREN: I think that's properly a  
15 question for me, Madam Chair, and the answer is no,  
16 there is not --

17 MS. BLASTORAH: Sorry, Mr. Lindgren.  
18 Just before you answer, I have a similar line of  
19 questions and unfortunately this may disadvantage me.

20 I don't want to cut you off, Mr.  
21 Lindgren, I just wanted to, before you gave the  
22 specific terms and conditions, I am going to be  
23 questioning the witness about specific terms and  
24 question he may be recommending and I would be  
25 interested in his information.

1                   So if I could just ask you to make -- I  
2                   think you were going to say no in any event, so it may  
3                   not be a concern, but I am some what concerned that Mr.  
4                   Lindgren be answering questions that I may want to put  
5                   to the witness separately. That puts me in an awkward  
6                   position.

7                   MR. LINDGREN: Madam Chair, the question  
8                   I think was directed to FFT and not to Dr. Payne.

9                   With respect to Ms. Seaborn's question,  
10                  is there a specific term and condition in our terms and  
11                  conditions that require the formulation of I guess some  
12                  of the policies direction that Dr. Payne has just  
13                  advocated, the short answer is no, there is not a  
14                  specific provision that says that, but I think  
15                  cumulatively the context, substantive content of the  
16                  terms and conditions would require that.

17                  So there is not a provision that directly  
18                  requires it, but there are a whole host of provisions  
19                  that indirectly will require it. I think I will leave  
20                  it at that.

21                  MR. COSMAN: And, again, without getting  
22                  into debate, Mr. Lindgren has made an argument in  
23                  effect as to what the cumulative effect in the terms  
24                  and conditions are and I will reserve to the end of the  
25                  day any argument on that point. I just didn't want to

1 let him slip in an answer like that.

2 MADAM CHAIR: Thank you, Mr. Cosman.

3 MS. SEABORN: Q. Maybe I could, Dr.  
4 Payne, deal with it specifically. Do you have FFT's  
5 terms and conditions in front of you?

6 A. Yes, I do.

7 Q. In reviewing these terms and  
8 conditions, I didn't find any term and condition that  
9 specifically compassed the World Conservation  
10 Strategies.

11 And, Mr. Lindgren, that was the import of  
12 my question, to confirm with the witness that that was  
13 in fact the case.

14 If you look at page 14 of FFT's terms and  
15 conditions under Silvicultural Planning, condition  
16 14(1), and it is on page 14.

17 A. I have that.

18 Q. The third line down on term and  
19 condition 14(1) refers to provision for the ecological  
20 sustainability of the forest.

21 Now, is it fair to say that that is an  
22 example of a term and condition put forward by FFT that  
23 is attempting to encompass these conservation  
24 strategies?

25 A. Yes, I think that speaks directly to

1 the sustainable development principle of the World  
2 Conservation Strategy, but it clearly implicates the  
3 other two.

4 Q. Okay. So it is in the context of  
5 specific terms and conditions that we would then find  
6 reference to these, what I will call, guiding  
7 principles that you put forward in your evidence?

8 A. Yes. I believe there is another  
9 section in the terms of conditions concerned with  
10 landscape ecology to which another panel from Forests  
11 for Tomorrow will be speaking. That, too, I think is  
12 significant within the context of the principles of the  
13 World Conservation Strategy.

14 Q. Okay.

15 MS. SEABORN: I believe, Madam Chair, the  
16 landscape terms and conditions in relation to landscape  
17 planning are going to be addressed in Panel 10 and I  
18 won't pursue that with Dr. Payne.

19 MR. LINDGREN: And Panel 9.

20 MS. SEABORN: In terms of wildlife; is  
21 that correct?

22 MR. LINDGREN: That's correct.

23 MS. SEABORN: Thank you.

24 Q. Now, Dr. Payne, you have testified  
25 that the DLUGS and the provincial guidelines and the

1 other manuals do not provide meaningful direction for  
2 the management of non-timber values?

3 A. That's correct.

4 Q. Would you agree with me, looking  
5 again at Exhibit 51, that the DLUGS were formulated in  
6 such a way as to provide targets not just for timber  
7 management plans, but for other resource management  
8 programs as well?

9 A. Well, yes, I would agree with that  
10 subject to the condition that the DLUGS focused only on  
11 those programs where specific kinds of products could  
12 actually be produced by the Ministry.

13 Q. Okay.

14 A. And those are wildlife opportunities,  
15 hunting opportunities or recreational visitors days;  
16 those kind of targets.

17 Q. And in terms of products, again the  
18 products -- the various products that the Ministry of  
19 Natural Resources produces are depicted along the  
20 bottom line of the planning framework, the various  
21 management plans that are produced?

22 A. Well, within the context of the  
23 planning framework, I suppose that might be fair. I  
24 would rather think, though, that the Ministry was  
25 producing specific goods and services which were



1 relevant to the Ontario population rather than simply  
2 plans.

3 One could, of course, produce plans all  
4 one likes. The point is, the plans are supposed to  
5 lead to action. If the plans don't lead to action,  
6 then are they worthwhile products. I guess one of the  
7 problems I have with this particular planning framework  
8 is that real outcomes aren't particularly well  
9 specified.

10 Q. Now, you have given testimony, Dr.  
11 Payne, that in your view the DLUGS need to be revised;  
12 is that correct?

13 A. Yes. I think it's fair to say that  
14 from my point of view they need to be revised in two  
15 ways.

16 First of all, they need to be redone with  
17 a much broader planning framework; one that includes  
18 production orientation, but also includes protection  
19 orientation. I think that's been missing from the  
20 previous planning framework.

21 I think, too, that the DLUGS need to be  
22 redone within a better informational context. There  
23 needs to be better information certainly on the social  
24 and economic and demographic side in order to make the  
25 DLUGS useful.

1                   And perhaps one more thing. I feel that  
2                   they ought to be plans rather than guidelines.

3                   Q. Now, it is my understanding of FFT's  
4                   terms and conditions that an additional reason why you  
5                   would want to see the see the DLUGS revised is because  
6                   it is the DLUGS that provide the sources of the  
7                   objectives for non-timber values within which timber  
8                   management plans are put together?

9                   A. Yes. That relates back to the  
10                  comment I had about the importance of better social,  
11                  economic and demographic information to be included in  
12                  the DLUGS or translated into the DLUGS.

13                  Q. And if we look at your terms and  
14                  conditions at page 14 under Objectives and Strategies.

15                  A. I have that.

16                  Q. Okay. Objective and strategy, 13(3),  
17                  you have identified here that the DLUGS are the sources  
18                  of the objectives within timber management plans; is  
19                  that correct?

20                  A. Yes, I believe that's what that  
21                  objective does.

22                  Q. Okay. Do you agree with that  
23                  approach to objectives and strategies?

24                  A. By and large I do, yes.

25                  Q. I take it that you would agree that

1 timber management plans should contain clear statements  
2 of management objectives for both timber and non-timber  
3 values?

4 A. Yes, I would agree with that.

5 Q. Now, FFT has also proposed in its  
6 terms and conditions that during the five years  
7 following the approval MNR should prepare to develop  
8 and implement an integrated forest management planning  
9 process; is that correct?

10 A. Yes, I believe so.

11 MS. SEABORN: And, Mr. Lindgren, I would  
12 just just like to confirm with you again that it is the  
13 particulars of those terms and conditions that will be  
14 addressed by your Panel 10 evidence?

15 MR. LINDGREN: Primarily through Panel  
16 10, that's correct.

17 MS. SEABORN: Those are my questions,  
18 Madam Chair. Thank you.

19 MADAM CHAIR: Thank you very much, Ms.  
20 Seaborn.

21 Shall we take our morning break now and  
22 when we come back we will hear from Ms. Blastorah.

23 MS. BLASTORAH: Could I possibly ask for  
24 a 15-minute break, Mrs. Koven.

25 Some of the areas that I was planning to

1 deal with -- oh, I get 20, I understand. I thought it  
2 was ten. I should be able to eliminate some of my  
3 questions because some of the areas have already been  
4 covered in cross-examination. So that I hope not to be  
5 more than possibly to the lunch break.

6 MADAM CHAIR: All right. Do you want a  
7 25-minute break instead of 20?

8 MS. BLASTORAH: That would be very  
9 helpful.

10 MADAM CHAIR: All right. We will be back  
11 then at five to eleven. Thank you.

12 ---Recess taken at 10:30 a.m.

13 ---On resuming at 11:00 a.m.

14 MADAM CHAIR: Please be seated.

15 MS. BLASTORAH: I would like to begin,  
16 Mrs. Koven, by filing a package of interrogatories. I  
17 must apologize for the poor quality of the  
18 reproduction. The copy of OFAH's terms and conditions  
19 that we had was very faint to begin with and we have  
20 tried to make it legible. I will try to provide a  
21 better copies of these.

22 The interrogatories we are filing are  
23 OFAH No. 3(12), No. 17, No. 21(3) and No. 33 and  
24 Ministry of Natural Resources interrogatories No. 29,  
25 30, 31, 32 and 33.

1                   MADAM CHAIR: Thank you. That will be  
2 Exhibit 1603.

3                   MS. BLASTORAH: I'm sorry, what was the  
4 number?

5                   MADAM CHAIR: 1603.

6                   MS. BLASTORAH: Thank you.

7       ---EXHIBIT NO. 1603: OFAH interrogatory question Nos.  
8                                   3(12), 17, 21(3) and 33;  
9                                   MNR interrogatory Nos. 29, 30,  
                                  31, 32 and 33 and answers  
                                  thereto.

10                  MS. BLASTORAH: I don't intend to go  
11 through those, Dr. Payne, I was just filing them. So  
12 you won't necessarily have to refer to those.

13       CROSS-EXAMINATION BY MS. BLASTORAH:

14                  Q. I would like to begin by clarifying a  
15 couple of matters that have come up during the course  
16 of both your direct evidence and cross-examination.

17                  First of all, in relation to some of your  
18 working relationships. Mr. Hanna asked you and Mr.  
19 Cosman dealt with it briefly again this morning, but  
20 Mr. Hanna asked about what your operational experience  
21 in applied resource management and you indicated, I  
22 think on Thursday and again this morning, that you had  
23 no direct experience as a practitioner of resource  
24 management, but that you have done some consulting work  
25 and you indicated that you have done some work with the



1 Ministry of Natural Resources and I would like to  
2 clarify the nature of that work.

3 You spoke this morning briefly again of  
4 your involvement in the \*\*Pretty Valley Project and I  
5 would just like to clarify, as I understand it that was  
6 an academic project carried out by you and your  
7 students in relation to which information was provided  
8 by the Ministry of Natural Resources; correct?

9 A. It wasn't an academic project per se.  
10 It was meant to assist the district office in looking  
11 at that particular park reserve and setting some basis  
12 for its eventual planning.

13 It was also an attempt by myself and my  
14 students, as well as the district office to look at the  
15 recreation opportunity spectrum which formed the basis  
16 for the planning approach in that situation and to get  
17 the sense of how it might be used.

18 Q. But you didn't mean to imply by your  
19 comments that that was work with the Ministry of  
20 Natural Resources, that you were hired as a consultant  
21 by the Ministry of Natural Resources Ministry to do  
22 that?

23 A. No, I didn't mean to imply that.

24 Q. Thank you. Your comments on Thursday  
25 to Mr. Hanna that the park reserve in question has now

1       been regulated as a park, you didn't mean to imply by  
2       your comments that that was as a result of the work  
3       done in your project?

4                   A.   No, certainly not.

5                   Q.   And you also indicated in discussing  
6       your experience or consulting work, rather, with Mr.  
7       Hanna that you had some contacts with the Ministry of  
8       Natural Resources in Thunder Bay and I believe you  
9       agreed that was again in relation to parks issues?

10                  A.   That wasn't consulting work at all.  
11       In fact, the most detailed of it has been in relation  
12       to parks, that's true.

13                  Q.   And you named two individuals in  
14       particular and those were Mr. Jim Jackson and Mike  
15       Jones. In relation to Mr. Jackson, it's my  
16       understanding that -- you have indicated just now that  
17       was not consulting work, and in fact it is my  
18       understanding that you attended an information meeting  
19       in relation to the realignment of Highway 587  
20       through --

21                  A.   That's not the involvement I was  
22       speaking of here. That was in relation to the Sleeping  
23       Giant Provincial Park management plan. I was there as  
24       a representative of the Federation of Ontario  
25       Naturalists and the Thunder Bay Field Naturalists.

1                   The relationship that I was talking about  
2                   with respect to Mr. Jackson and Mike Jones is an  
3                   agreement that my unit at Lakehead and the Thunder Bay  
4                   Region are talking about with respect to assistance  
5                   with park planning. That meeting I think is scheduled  
6                   to occur on the 12th of December.

7                   Q. So that meeting hasn't taken place?

8                   A. It hasn't yet taken place.

9                   Q. And, again, that is not direct  
10                  consulting work?

11                  A. It is not direct consulting work.

12                  Q. Thank you. Now, I think you have  
13                  already agreed with Mr. Cosman this morning that you  
14                  are not an expert in organizational structures or  
15                  management systems; correct?

16                  A. Only insofar as they relates to  
17                  planning.

18                  Q. That would be the use of social  
19                  science information in planning?

20                  A. Yes, and in terms of planning  
21                  structures.

22                  Q. And what -- I'm sorry, I may have  
23                  misunderstood then. What were qualifications in  
24                  relation to management structures?

25                  A. I'm not sure what you mean by that,

1 qualifications.

2 Q. Maybe we are talking at cross  
3 purposes here. Are you indicating now that you do have  
4 some expertise in relation to management structures?

5 A. Yes. I think I have indicated all  
6 along that in order to make a plan work that plan has  
7 to go through some form of management structure, that  
8 it would be silly to think that a planning process is  
9 going to be separate from the organizational structure  
10 within which it occurs.

11 Q. You indicated this morning that that  
12 was basically a common sense observation of yours,  
13 correct, that you didn't -- I think you indicated to  
14 Mr. Cosman that you didn't have any particular  
15 expertise in that area, but given your professional  
16 work you had a sense that that was the case?

17 A. No, I don't think I could agree with  
18 that. I think I have told the Board several times that  
19 with respect to even social and economic information  
20 the point is not simply to collect it, as perhaps a  
21 social science would who was not interested in resource  
22 management, but to use it.

23 And if one is going to use it and use it  
24 effectively and efficiently, then one has to understand  
25 how that can be translated for an organization. That

1 means one has to be able to understand how that would  
2 occur in an organization.

3 Q. And I'm not disputing that statement  
4 with you, Dr. Payne. I wasn't intending to question  
5 your comment, I am jut trying to clarify your  
6 expertise.

7 I thought you had already clarified that  
8 this morning with Mr. Cosman when you indicated that  
9 you were not an expert in organizational structures or  
10 management systems, although you did some certain  
11 opinions in that regard, as you have just expressed?

12 A. Yes, and I think that what I am  
13 expressing to you is where planning systems and  
14 organizational structures come together to produce  
15 certain outcomes, then I feel that I can make comments  
16 there.

17 Q. Okay. And you did make some comments  
18 in relation to the Ministry's management system and you  
19 made those by agreeing essentially with various  
20 statements made in the Cresap document which is Exhibit  
21 1597; correct?

22 A. Yes. I also made them in my evidence  
23 in witness statement four.

24 Q. I would just like to look at the  
25 Cresap document. Again, that is Exhibit 1597 if you



1 have it handy.

2 I would just like to clarify, first of  
3 all, you didn't do any independent or undertake any  
4 independent studies of the Ministry's management system  
5 itself, you were looking at what had been produced by  
6 Cresap; correct?

7 A. No, I received the Cresap report  
8 about three weeks ago. Most of the things that -- all  
9 of the things that I had written in the witness  
10 statement were essentially the result of watching the  
11 Ministry do its planning over about a ten-year period  
12 from about the time the strategic land use planning  
13 process began.

14 Q. Would you agree with me that this  
15 study that has been done by Cresap would be useful in  
16 evaluating the Ministry's current management structure  
17 and system?

18 A. Yes, I would agree.

19 Q. And that's what it was intended to  
20 do?

21 A. That seems to be what it is intended  
22 to do, yes.

23 Q. Would you agree with me that that  
24 might be the reason why the Ministry of Natural  
25 Resources commissioned this study?

1 A. To improve the management system?

2 Q. Yes, or to review it in any event?

3 A. To review it, yes. To improve it.

4 Q. Would you agree with me that it's  
5 likely that they intended to do something with the  
6 results of this study?

7 A. I would think so. That would be the  
8 point of spending money certainly.

9 Q. Are you aware that the Ministry of  
10 Natural Resources is in fact currently in the process  
11 of reorganizing its management structure and is in the  
12 first stage of implementing that reorganization?

13 MR. LINDGREN: Madam Chair, is there any  
14 evidence before this Board on that matter?

15 MS. BLASTORAH: I will be happy to call  
16 reply evidence. I am just asking Dr. Payne if he is  
17 aware whether that is the case or not.

18 THE WITNESS: I certainly have heard  
19 discussions about whether or not the regions ought to  
20 be eliminated, whether regions ought to be reduced in  
21 number. Things to that effect.

22 MS. BLASTORAH: Q. Thank you. Now, you  
23 have stated an opinion in both your written material  
24 and I think in your oral evidence that bureaucracies  
25 tend to be conservative in nature and in your opinion

1       resistent to change.

2                   I think you indicated in your direct  
3       evidence that you didn't necessarily mean that as a  
4       slight to the Ministry, that's just the nature of  
5       bureaucracies; correct?

6                   A. I don't think that's an opinion. I  
7       think that's been quite well established in the  
8       organizational literature that bureaucracies are  
9       hierarchial and that they are resistent to change.

10                  Q. And you did mention this morning, as  
11       I understand it, your opinion that notwithstanding the  
12       fact that Nelles, the article you referred to in your  
13       discussion with Mr. Cosman this morning, was writing of  
14       the period 1849 to 1941, as I understand it, it's your  
15       opinion that there has been very little change in the  
16       Ministry's way of doing business since that period?

17                  A. I think it's fair to say that with  
18       respect to the forest industry the Ministry's way of  
19       doing business hasn't changed a great deal from the  
20       time that Nelles wrote.

21                  Q. And, again, you are not an expert on  
22       the forest industry?

23                  A. I am not an expert on the forest  
24       industry.

25                  Q. Now, notwithstanding the difficulties

1 that you identified in your written material relating  
2 to the re-deployment of resources and the need for  
3 staff training, I would like to ask you if you are  
4 familiar with the following initiatives undertaken by  
5 the Ministry in the last 15 years and you can just  
6 indicate if you are familiar or not.

7 I assume you are familiar with the  
8 preparation of the Strategic Land Use Plans and  
9 District Land Use Guidelines that you have spoken of?

10 A. That's correct.

11 Q. Are you familiar with fisheries  
12 management plans including strategic planning for  
13 Ontario fisheries?

14 A. I'm reasonably familiar with that,  
15 not as familiar as I am with either the strategic or  
16 the District Land Use Guidelines.

17 Q. I think you are familiar with the  
18 ANSI program?

19 A. I am somewhat familiar with the ANSI  
20 program, so to speak

21 Q. Are you familiar with the  
22 conservation lands tax rebate program?

23 A. No, I'm not.

24 Q. I assume, since your expertise is  
25 more in parks, that you are familiar with the

1 establishment of the new parks and I believe in fact  
2 there have been double the number of parks established  
3 since 1986?

4 A. Something close to that, I believe,  
5 yes.

6 Q. You are familiar with the new park  
7 policy on non-confirming uses?

8 A. The 1988 policy.

9 Q. And you are familiar with the Natural  
10 Heritage League?

11 A. Yes, I am.

12 Q. Are you familiar with the Ontario  
13 Heritage Foundation and the Natural Heritage Program?

14 A. Yes, I am.

15 Q. Are you familiar with the development  
16 of an evaluation system for wetlands?

17 A. Yes, I am.

18 Q. You are familiar with the community  
19 involvement programs such as SEAWIP and SEAFIP?

20 A. Yes, I am.

21 Q. You are familiar with the National  
22 Wildlife Policy Task Force?

23 A. What was that again?

24 Q. National Wildlife Policy Task Force.

25 A. I'm not sure I'm familiar with it by



1       that name.

2                   Q.   Okay.  Are you familiar with the  
3       National Strategic Forest Policy Task Force?

4                   A.   No, I am not.

5                   Q.   Are you familiar with the Ministry's  
6       various resource education programs or any of them?

7                   A.   Only indirectly I would say.

8                   Q.   And are you familiar with the  
9       development of targets for endangered species by the  
10      Ministry?

11                  A.   No, I'm not.

12                  Q.   Are you familiar with the wildlife  
13      working group?

14                  A.   Yes, I am.

15                  Q.   And the heritage rivers program?

16                  A.   Yes, I am.

17                  Q.   And are you familiar that the  
18      Ministry has a number of partnerships with  
19      organizations like the OFAH, the FON, the Ontario  
20      Trapper's Association and the Nature Conservancy of  
21      Canada in relation to various projects and  
22      undertakings?

23                  A.   It would depend on what you meant by  
24      partnerships.  I think the Ministry's view of  
25      partnerships and my own is somewhat different.

1                   Q. Well, would you agree with me that  
2                   the Ministry has undertaken cooperative efforts with  
3                   those various organizations and organizations of that  
4                   type?

5                   A. Certainly if you look at SEAFIP and  
6                   SEAWIP, I think you can find plenty examples of good  
7                   solid cooperation between the Ministry and specific  
8                   groups.

9                   Q. Would you agree with me that  
10                  initiatives such as the ones we have just been  
11                  discussing might reflect an awareness by the Ministry  
12                  in the Ministry in relation to changes in its operating  
13                  environment?

14                  A. Some awareness, yes.

15                  Q. Is it your opinion that all of those  
16                  sorts of things ought to be included in a timber  
17                  management plan?

18                  A. All of those sorts of things?

19                  Q. Yes.

20                  A. Concerns about wildlife, for example?

21                  Q. Yes.

22                  A. Yes.

23                  Q. And all of the nature of those  
24                  programs and so on should all be discussed in timber  
25                  management plans?

1 A. The programs themselves?

2 Q. Yes.

3 A. I can't see why the programs  
4 themselves ought to be discussed there. It seems to me  
5 my evidence spoke more directly to non-timber values,  
6 the way in which those timber values might be measured  
7 and understood and then translated into objectives  
8 which could be addressed by non-timber plans.

9 It's clear that the kind of progress that  
10 the Ministry has made is specific to program areas, but  
11 there are more going in Ontario than just in these  
12 programs areas.

13 Q. Am I correct that what you see as  
14 included in the timber management plans is really  
15 objectives that relate to those other non-timber  
16 values, and those non-timber values used as well as  
17 people actually using it?

18 A. Yes. By relating to those other  
19 values that's what I intended.

20 Q. Okay. I would like to clarify a  
21 couple of other matters that arose from reading the  
22 written material. You stated in your witness statement  
23 that irrevocably decisions cannot be taken with respect  
24 to changes in the 20-year plan. I would like to  
25 clarify, how often are the 20-year plans prepared?

1                   A. Once every 20 years.

2                   Q. At what level do you understand those  
3 plans are prepared; the forest management unit, the  
4 district level, the region? That's what I mean by  
5 level.

6                   A. My understanding is at the forest  
7 management unit level.

8                   Q. When you say that biodiversity and  
9 ecological functioning ought to be addressed in 20-year  
10 plans, as well as in revised and improved SLUPS and  
11 DLUGS, as you stated in your material, and also in .  
12 provincial forestry and Crown land management policy,  
13 it is those 20 years plans you are speaking of it; is  
14 it?

15                  A. Yes, but also I think they ought to  
16 be included, as I talked about this morning earlier, in  
17 forest policy and Crown land policy.

18                  Q. Yes.

19                  A. And it probably would be good if we  
20 could manage to put those in the context of the World  
21 Conservation Strategy.

22                  Q. That's what you stated in your  
23 written material. Is it your understanding that  
24 primary road corridors shown in 20 years plans are  
25 irrevocable decisions and cannot be altered through

1 subsequent general timber management planning?

2 A. No.

3 Q. Now, you indicated in your direct  
4 evidence, I believe, that because the FMAs were signed  
5 outside the District Land Use Guideline process that  
6 non-timber programs got, I believe your words were,  
7 they got what was left over.

8 It is your understanding that the  
9 District Land Use Guidelines don't apply in forest  
10 management agreement areas?

11 A. No, I don't think that would be a  
12 fair assessment of my understanding. I think that the  
13 district land use plans include those timber targets,  
14 but they include those timber targets in first and  
15 foremost a productive kind of way.

16 Secondly, I think those timber targets  
17 were established, as I've said, outside the natural  
18 actual planning process, the tradeoff process, so to  
19 speak, which was there to develop the land use  
20 guidelines back in the early 80's.

21 Q. When you say tradeoff process there,  
22 what do you mean by tradeoff process?

23 A. I mean the decisions that were made  
24 among the various program areas of the Ministry as to  
25 whether or not an area would be set aside for one



1 program as opposed to another program.

2 I guess the one that comes to mind right  
3 off the bat was the Kenora DLUGS where the Aulneau  
4 Peninsula had been suggested at one point as a  
5 wilderness class provincial park and then in the  
6 eventual publication of the DLUGS, the Aulneau  
7 Peninsula was taken out of that designation and made  
8 available for resource extraction, as well as tourism.

9 Q. So when you are talking about those  
10 tradeoffs, you are talking about exclusions from timber  
11 management into such thing as parks?

12 A. Yes, I think that's essentially the  
13 program orientation I am talking about. Yes.

14 Q. And is it your understanding, just to  
15 clarify one last point, that management of non-timber  
16 resources is or is not carried out in forest management  
17 agreement areas?

18 A. I'm not sure that the terminology  
19 that you are using here, non-timber resources, is not a  
20 term that I would use. What do you mean by that?

21 Q. All right. Would you agree with me  
22 or disagree with me that wildlife managers, fisheries  
23 management, those other types of management in relation  
24 to non-timber resources are carried out -- or that type  
25 of management is carried out in FMA areas or not?

1                   A. You are directing me specifically  
2           toward wildlife management in an area that's covered by  
3           a timber management plan; right?

4                   Q. What I am trying to clarify is your  
5           understanding as to what types of management or type of  
6           management does take place on a forest management  
7           agreement area, and I am asking you by way of example,  
8           for instance, is it your understanding that there is  
9           management of wildlife, management of fisheries and  
10          those sorts of things in forest management agreement  
11          areas, or is it your understanding that there is only  
12          management of the timber resource?

13                  A. It is my understanding that  
14          management of wildlife, management of fisheries is in  
15          fact carried out in timber management planning, but as  
16          constraint to timber activity rather than as an  
17          objective or as objectives to be attained in the plan  
18          itself.

19                  Q. Is it your understanding then that  
20          the creation of an FMA on a given area precludes the  
21          production of any other type of resource management  
22          plan for that area?

23                  A. No.

24                  Q. So when you say that those other  
25          types of management act as constraints, would you agree

1 with me that there is nothing constraining the Ministry  
2 from preparing other types of management plans which  
3 may operate in conjunction with a timber management  
4 plan and that the only -- first of all, perhaps you can  
5 answer that question so I don't make the question too  
6 long.

7 A. Put it to me again.

8 Q. Let me put it this way. Would you  
9 agree with me that resource management on forest  
10 management agreement areas is not limited to the  
11 production of timber management plans and management  
12 through the implementation of timber management plans?

13 A. It's not limited if you accept the  
14 limited information base that's provided by the  
15 District Land Use Guidelines. The District Land Use  
16 Guidelines suggest, for example, hunter visitor days or  
17 recreational visitor days and those can apply and do  
18 apply to areas that are given over to timber resource  
19 extraction.

20 My problem has always been that I find  
21 the District Land Use Guidelines quite unreliable in  
22 terms of the kind of information that they produce.  
23 I'm confident I think in saying that for certain  
24 program activities of the Ministry, the targets that  
25 are available in the District Land Use Guidelines can

1 be achieved in areas for which there are existing FMAs  
2 or, in fact, where timber management management is  
3 going on.

4 My concern has always been that that  
5 information is rather poor on the face of it to base  
6 planning upon and there has never been any attempt by  
7 the Ministry to do the tradeoff in terms of activities  
8 on the land in benefit/cost terms, nor has there been  
9 any attempt to do the kind of social science that I  
10 have been suggesting ought to be done if we are going  
11 to understand what the people of Ontario actually want  
12 to be produced by the Ministry from the resource base.

13 Q. One last question before I leave  
14 forest management agreement areas and timber management  
15 units. In your understanding, to which types of forest  
16 management units does the Timber Management Planning  
17 Manual apply?

18 A. To which types?

19 Q. Yes.

20 A. Can you be more specific, types?

21 Q. Are you aware that there are  
22 different types of forest management units?

23 A. Certainly I am.

24 Q. Can you tell me which types you are  
25 aware of?

1                   A. I am aware of three: crown  
2 management units, company units and FMA units.

3                   Q. And is it your understanding that the  
4 timber management planning manual applies to all of  
5 those types of forest management units?

6                   A. I think it applies to two.

7                   Q. Which two would those be?

8                   A. The FMA and the CMU.

9                   Q. And it is your understanding it  
10 doesn't apply to company management units?

11                  A. I don't think it is.

12                  MADAM CHAIR: Ms. Blastorah, before you  
13 leave this area, could the Board make a request for our  
14 convenience, that you supply for us at some point in  
15 the future the references in the transcripts or to your  
16 witness statements where we have evidence before us  
17 discussing wildlife or fisheries or park policies or  
18 other general management work done by the Ministry that  
19 is not -- that we haven't received solely in connection  
20 with its input into the timber management planning  
21 process.

22                  Could you identify where the evidence is  
23 on other than timber planning where it doesn't fit  
24 specifically into the timber management plan. For  
25 example, we have Dr. Euler's evidence where he is



1 discussing the policy on moose, for example, and that's  
2 specifically on the size of clearcuts and how it fits  
3 into timber management plans, but I think it would be  
4 useful for us to see the evidence that we have with  
5 respect to the separate planning programs that  
6 occasionally interface with timber management but are  
7 also conducted separately.

8 MS. BLASTORAH: I will certainly do that,  
9 Mrs. Koven. I am sure the Board appreciates that there  
10 is a great deal of overlap between information that  
11 is -- or management activities that are carried out  
12 solely through timber management and management  
13 activities that are carried out elsewhere.

14 MADAM CHAIR: Yes. I think that we are  
15 very well aware of where the interface is with timber  
16 management, but you have raised an issue of other  
17 resource management going on in the same areas as  
18 timber management and it is not clear to the Board  
19 whether we have evidence on those separate management  
20 activities.

21 Ms. Seaborn?

22 MS. SEABORN: Madam Chair, in relation to  
23 the exhibit I showed to Dr. Payne this morning, Exhibit  
24 51, which was a planning system chart, I would just  
25 remind the Board that that was something that we

1 prepared after reading MNR's Panel 1 witness statement  
2 which was called component and management system.

3 So all of that information was gleaned  
4 from that witness statement and from the interrogatory  
5 responses.

6 Now, I understand your request to Ms.  
7 Blastorah goes beyond that in terms of other witnesses,  
8 but it is my recollection that the basic framework of  
9 all the Ministry policies and manuals that deal with  
10 resource management planning at MNR are set out in that  
11 witness statement as a starting point.

12 MADAM CHAIR: Thank you, Ms. Seaborn.

13 What the Board is looking for at this  
14 point is that at some time we are going to be exploring  
15 this issue of to what extent timber management occupies  
16 all resource management that's going on in the area of  
17 the undertaking.

18 I am not asking for a reference to a line  
19 by line description of all other policies, but it's not  
20 clear to us that we have very much evidence describing  
21 other management resource activities outside of exactly  
22 how they pertain to timber management plans, and if  
23 that's the case then we just want to be reassured of  
24 that.

25 MS. BLASTORAH: If I could just ask you

1 to repeat your comment, Mrs. Koven. You said at some  
2 time the Board is going to be exploring the extent to  
3 which timber management...

4 MADAM CHAIR: Timber management planning  
5 occupies the entire focus of the Ministry of Natural  
6 Resources vis-a-vis the sorts of issues you are  
7 investigating with Dr. Payne, and I think that we have  
8 evidence before us where the other resource policies  
9 interface with timber management, but at some point --  
10 there is obviously only a finite amount of information  
11 that we need on other resource plans, but it is not  
12 clear to us that we have that sort of evidence.

13 Now, your case has been very long and you  
14 may be able to point us very quickly to the areas where  
15 other resource policies are explained.

16 MS. BLASTORAH: Perhaps what I could do  
17 is, certainly Panel 1 would be a good starting point  
18 and we will provide some information and if the Board  
19 wishes further detail you could advise us.

20 MADAM CHAIR: Thank you. Just the  
21 reference to where that is in the evidence before us is  
22 fine.

23 MS. BLASTORAH: Thank you.

24 Q. Just a few other matters of  
25 clarification, Dr. Payne. In response to a question

1 from Mr. Martel about whether the Ministry should put  
2 less emphasis on timber management, you said that some  
3 U.S. national forests have in fact abandoned timber  
4 management completely.

5 I was just wondering if you were able to  
6 advise the Board how much of the U.S. timber supply  
7 comes from the national forests, from the U.S. national  
8 forests?

9 A. I have no information about that.

10 MR. LINDGREN: Madam Chair, if I could  
11 suggest Ms. Blastorah put that question to Mr. Smith in  
12 Panel 10.

13 MS. BLASTORAH: Thank you, Mr. Lindgren.

14 Q. One other question, and again this  
15 may be more appropriate for Mr. Smith, but I would like  
16 Dr. Payne's information on this.

17 Are there any other forested lands in  
18 your knowledge in the U.S. which contributes  
19 significantly to the timber supply in the U.S.?

20 A. Significantly. Yes, I believe the  
21 Bureau of Land Management also contributes  
22 significantly, though I don't think as significantly as  
23 the forest service does. And I think the U.S. in  
24 different states has fairly important programs of  
25 forestry on private lands. The private land one would



1 not be as significant as the first two.

2 Q. So it is your understanding that the  
3 timber supply from private land is in fact is less  
4 significant than the timber supply from the U.S.  
5 national forests and from the lands of the Bureau of  
6 Lands Management?

7 A. That's my belief, yes.

8 Q. Thank you.

9 MADAM CHAIR: Excuse me. Could you  
10 repeat that, Dr. Payne.

11 THE WITNESS: I am saying that I think  
12 that in terms of the significance of the various  
13 provider of forest resources the U.S. probably stacks  
14 up as the major -- the major supplier is the U.S.  
15 forest service. The Bureau of Land management is  
16 probably in second place and then private forestry,  
17 private land forestry probably occupies third place.

18 MADAM CHAIR: Thank you.

19 THE WITNESS: Again, Mr. Smith when he is  
20 here in Panel 10 would certainly be able to clarify  
21 that much better than I could.

22 MS. BLASTORAH: Q. Thank you. I would  
23 like to turn now briefly to valuation, as you have  
24 discussed it in your witness statement in your evidence  
25 before the Board.



1 I would like to deal first with some of  
2 your comments on the nature of values themselves.  
3 Would you agree with me that in carrying out resource  
4 management one cannot manage values per se since, as  
5 you described it, that's essentially how people feel  
6 about things or people's -- well, I don't know how else  
7 to put it, how people feels about things, but one can  
8 only manage the actual resources features or actions to  
9 which those values are connected?

10 A. Yes, that's certainly the case.  
11 People's feelings about things, about natural things,  
12 as I have argued, may attach particular values to  
13 particular species or sites or even communities.

14 It's the task of the resource manager to  
15 understand not only those values, but also those things  
16 which are valued.

17 Q. And in your answer to the Ministry of  
18 Natural Resources' interrogatory No. 13 you indicated,  
19 and I don't think it is necessary to refer to that, you  
20 indicated that parks and ANSIs are representations of a  
21 program's expression of values rather than a person's  
22 expression of values.

23 Would you agree with me based on what you  
24 have just stated now and generally that parks and ANSIs  
25 may also express values of individuals, for example,

1 the people who visit them or the people who simply know  
2 they exist?

3 A. Yes, I would agree with that, but the  
4 nature of that value I think needs better exporation.  
5 An outfitter, for example, in Atikokan may well value  
6 Quetico Provincial Park because it is the source of his  
7 livelihood; he takes people in there, he outfits them  
8 for canoeing expeditions and so on. A naturalist  
9 visiting this park may value the park being there for  
10 very different reasons.

11 Q. And when you said that those are  
12 representations of a program's expression of value, I  
13 was a little confused by that given your definition of  
14 what valuation is; in other words, it is an expression  
15 of how someone feels about something. I was a little  
16 confused about how a program could have feelings and so  
17 I was wondering if you could clarify what you meant by  
18 that?

19 A. The parks or the areas which have  
20 been identified, if not protected as ANSIs, are  
21 representations of outputs from the Ministry. This is  
22 an attempt by the Ministry to say: Yes, there shall be  
23 provincial parks and here they are.

24 I think if you wanted to track it back  
25 you could see, especially since the 1950's and the

1 expansion of the provincial parks system, the Ministry  
2 has seen the need to provide these sorts of  
3 opportunities for outdoor recreation and has acted  
4 accordingly.

5 But if you also look at how these parks  
6 are managed and if you look at parks policy, you will  
7 see that the Ministry remains behind the public in  
8 Ontario in terms of the public's view that these are  
9 important biological sites and biological reserves.

10 It is my feeling that the Ministry, even  
11 in parks such as Quetico, which are wilderness parks,  
12 sees those parks as outdoor recreational opportunities  
13 first and foremost.

14 Q. So you would agree with me, though,  
15 that the creation of parks and those program values, as  
16 you have described them, are in fact, at least to some  
17 extent, an expression of the Ministry's awareness of  
18 the values of the people of Ontario?

19 A. I would to a limited extent,  
20 especially with respect to parks. I think the view of  
21 especially people outside the Ministry with respect to  
22 parks is that parks would in fact represent the  
23 protection end and would, in fact, give some reality to  
24 the maintenance of biological diversity and the  
25 protection of ecological functioning, as well as, for

1       that matter, to sustainable development, but I think  
2       the fact is is that the parks, even the wilderness  
3       parks, are by and large too small to do either of those  
4       first two things as far as biological diversity and  
5       protection of ecological processes are concerned.

6                   Q.   Again, you have indicated in your  
7       interrogatories that you are not a biologist and that  
8       questions in relation to the requirements of protection  
9       and planning for biological diversity and ecological  
10      functioning should be addressed I believe to Panel 9?

11                   A.   Panel 9.

12                   MR. LINDGREN:   It could be Panel 9.  
13      Depending on the question, it could be put to Mr.  
14      Maser.   I don't know what your questions are.

15                   MS. BLASTORAH:   Q.   I was just trying to  
16      clarify that you have already indicated that you are  
17      not an expert in relation to what is required in order  
18      to protect biological diversity and ecological  
19      functioning?

20                   A.   That's correct.

21                   Q.   Thank you.   Now, you have talked a  
22      great deal about market values as opposed to other  
23      values and you have basically, as I understand it,  
24      relegated the forest products industry to market  
25      valuations.



1                   Would you agree with me that market  
2 values can't exactly be set in opposition to other  
3 values, but are in fact dependent on them; for example,  
4 because there is a demand for lumber because some  
5 people have aesthetic values which are expressed  
6 through the purchase of wood furniture.

7                   I happen to like wood furniture better  
8 than formica furniture and that creates a demand for  
9 wood furniture. If I feel that way and a lot of other  
10 people feel that way, that demand creates a market for  
11 that product and, consequently, there becomes a market  
12 value for the product.

13                   Would you agree there is that kind of  
14 relationship between market valuations and other  
15 valuations?

16                   A. I think it's possible, as I said last  
17 week, to identify connections amongst recreational  
18 valuations and aesthetic valuations and symbolic  
19 valuations. It seems to me that what you are  
20 suggesting is consistent with that.

21                   Q. Thank you. In terms of  
22 non-quantifiable values, would some of the objectives  
23 you would like to see reflected at the policy level  
24 include the kinds of things I am going to put to you  
25 now, sustainable development?



1 I think you have already indicated it is  
2 something you would like to see reflected at the policy  
3 level.

4 A. I think it is something, though, that  
5 does lend itself somewhat to quantification. A small  
6 town in northwestern Ontario, for example, in terms of  
7 economic sustainability, it shouldn't be too difficult  
8 to determine in quantitative terms the loss of jobs and  
9 so on and so forth that are associated with depleting  
10 the forest resource.

11 It shouldn't be too difficult to  
12 determine the loss of jobs and dollars for that matter  
13 that are associated with the closure of a related or  
14 close by fly-in fishing or hunting camp. Those things  
15 I think lend themselves to quantitative expression.  
16 Ecological sustainability, perhaps.

17 Again, I'm stretching my own capabilities  
18 here, but it should be possible to determine what's out  
19 there in ecological terms and monitor what is out there  
20 so that it is possible to determine when a  
21 quantitative, as well as qualitative again loss has  
22 occurred.

23 Q. So you see that being done at the  
24 local level, then?

25 A. I think it's important to do that,

1       yes, at the district level.

2                   Q.   And is that exclusively at the  
3       district level or also at other levels?

4                   A.   I think, given the nature of the  
5       Ministry's planning system and what FFT is suggesting  
6       for the planning system, the appropriate place to put  
7       into action some higher level policies is at the  
8       district level.

9                   Q.   I'm sorry. To put into place... I  
10      didn't catch your answer.

11                  A.   Those sorts of high level policies is  
12      at the district level.

13                  Q.   So would those be district policies  
14      or higher level policies that are implemented through  
15      actions at the district level?

16                  A.   I think a policy of sustainable  
17      development or maintenance of biodiversity ought to be  
18      a province-wide policy. The specifics are going to  
19      have to depend on the particular district.

20                  The Ministry's planning system is set up  
21      to put into action policies established at head office  
22      level and, indeed, by the provincial government itself  
23      at the district level.

24                  Q.   I think you used an analogy on  
25      Thursday, I believe it was with Mr. Hanna, that you saw

1       that as sort of a pincer effect, that you saw that  
2       there had to be some accommodation or consideration of  
3       those broader level policies at the local level while,  
4       at the same time, being sensitive to local concerns and  
5       values. Do I have that right?

6                   A. No, you don't. The pincer effect I  
7       was talking about had to do with the provincial level  
8       policy or forest policy, for example, and the  
9       importance of local committees of stakeholders being  
10      involved in district land use planning and in timber  
11      management planning to fine tune for that local level  
12      those issues and concerns that were relevant to the  
13      local level. It's the top policy is the first pincer,  
14      the local stakeholder group is the second.

15                  Q. Well, again we may be talking at  
16      cross-purposes. I thought that's what I had said, but  
17      you would agree both of those are necessary?

18                  A. Yes, I agree with that.

19                  Q. So you would agree that the broad  
20      objectives would have to be given more specific content  
21      at the resource management planning level? Is that  
22      what we are saying?

23                  A. Run that by me one more time.

24                  Q. You would agree with me, I think you  
25      have already indicated, that there should be a broad

1 level policy to deal with things like the concepts in  
2 the World Conservation Strategy; correct?

3 A. The three principles of the World  
4 Conservation Strategy.

5 Q. Yes. And I think you have just  
6 agreed with me that those broad principles would have  
7 to be given more specific content at the resource  
8 management planning level?

9 A. Yes, that's correct.

10 Q. Thank you. Now, I would like to  
11 explore your concept of ethic which is discussed in  
12 your written material. You said in your written  
13 material that you see a set of rules or an ethic is  
14 required by which to link together diverse values and  
15 that such a set of rules would assign relative  
16 importance to the values and reduce the potential for  
17 conflict among them, and you have suggested in your  
18 written material that an environmental ethic should be  
19 adopted and you have indicated in the answers to some  
20 of the interrogatories that you agree with Leopold's  
21 land ethic which you set out in your witness statement?

22 A. That's correct.

23 Q. Am I correct that you see such an  
24 ethic being applied in conjunction with other ethics,  
25 such as ethics of efficiency and equity?

1 A. Yes, I do.

2 Q. Thank you. Now, you have also talked  
3 about the need for consensus building. You would agree  
4 with me I think that even in a consensus situation it  
5 is not going to be the case that everyone will get  
6 exactly what they want?

7 A. I think that's fair.

8 Q. There would have to be compromises  
9 made?

10 A. Yes, there would be.

11 Q. And in the context of timber  
12 management planning where consensus cannot be reached,  
13 would you agree with me that decisions still have to be  
14 made?

15 A. Yes, certainly decisions still have  
16 to be made. I'm not convinced yet that we have  
17 exhausted in this province the possibilities of  
18 consensus base planning.

19 Q. But would you agree with me that it's  
20 unlikely that it is going to be possible to reach  
21 consensus in every situation?

22 A. I don't know frankly. I can see, as  
23 you pointed out earlier, the possibility that there  
24 would be issues that people would just simply refuse to  
25 move on. I think we should try it and see what happens



1 and almost treat it as an experiment perhaps.

2 Q. I would like to put a hypothetical to  
3 you in relation to that that may help me understand  
4 your position better.

5 If you have a situation where you have  
6 two individuals who both want to carry out activities  
7 on a certain land base at the same time and those  
8 activities are expressions of their different values,  
9 where those activities are going to be mutually  
10 exclusive in the sense of your example of the  
11 back-country canoeist who, if he even encounters one  
12 other person, that may diminish his benefit.

13 In situations like that where the  
14 activities are essentially mutually exclusive, would  
15 you agree with me that it is going to be difficult to  
16 accommodate both of those people at the same time in  
17 the same place?

18 A. If you set both of people down across  
19 from each other at a table with the Ministry person  
20 occupying the third seat, yes I would agree with that.  
21 I think that kind of interpersonal interplay is  
22 probably conducive of nothing but confrontation.

23 On the other hand, if in fact the third  
24 person in this duet, so to speak, is in fact the  
25 Ministry person and that Ministry person is able to

1 show a cost/benefit analysis which shows the benefits  
2 and the costs of each of those particular uses and the  
3 Ministry has prepared itself to take a position and  
4 say: We are going to go with this particular  
5 possibility because of the information we have in front  
6 of us, then I think we have a situation that is much  
7 less confrontational.

8 It is a situation, too, in which the  
9 Ministry is actually managing and it is a situation in  
10 which perhaps those individuals will come to greatly  
11 more appreciate their opposite point of view and, if  
12 nothing else, still appreciate how that decision was  
13 made and why it was made.

14 Q. You are not suggesting, are you, that  
15 in every circumstance both parties are going to be  
16 completely accepting of the result just because they  
17 are shown the costs and benefits?

18 A. Well, I mean if we are going to be  
19 hypothetical here, I suppose no, we can't accept that,  
20 we can't expect that, but I suppose my point was that  
21 the Ministry must take a more active kind of role if it  
22 is to be the kind of agency it hopes to be, that if the  
23 Ministry cannot allow itself to simply react to that  
24 kind of confrontational situation, it itself has to  
25 become involved.

1 Q. In those situations where it is not  
2 the case that both parties are completely accepting of  
3 the result or the decision, you would agree with me  
4 that decision still has to be made, that management  
5 decision still has to be made?

6 A. Yes, I would agree with that.

7 Q. Would you agree with me that the  
8 Ministry of Natural Resources as the responsible agency  
9 is the appropriate body to make that decision in those  
10 circumstances?

11 A. Yes.

12 Q. Thank you. One last question on  
13 that. Would you agree with me in situations where  
14 there is no consensus as to how values should be ranked  
15 or what the best mix is on any given piece of property,  
16 that it is going to be more difficult to optimize  
17 benefits in a situation where there is no consensus as  
18 to what the best mix is?

19 A. I think that the best mix is going to  
20 have to be determined by the Ministry or at least an  
21 approximation of the best mix is going to have to be  
22 achieved by the Ministry by first understanding what  
23 Ontarions want; secondly, fine tuning that  
24 understanding at the local level and coming forth with  
25 cost/benefit analyses which document their own position

1 and which give them a basis on which to make those  
2 kinds of decisions.

3 The concern about optimum as opposed to  
4 maximum mix of benefits is one that's very, very  
5 important because one includes under optimum things  
6 that perhaps can not be quantified, things that will  
7 not be quantified, and one also I suppose includes  
8 under those circumstances the kinds of tradeoffs that  
9 can be made through negotiations around a table at the  
10 district level in relation to perhaps District Land Use  
11 Guidelines or timber management plans.

12 Q. Just to clarify. Is it your  
13 understanding or your belief that the type of  
14 cost/benefit analysis that you are talking about is  
15 transparent to the general public?

16 A. It should be. It probably is not  
17 fair to say that that cost/benefit analysis as carried  
18 out by economists capable of doing that is now  
19 transparent to the public.

20 Q. To the extent that it is not  
21 transparent, do you agree that that would make it less  
22 likely that people would simply accept the result of  
23 that type analysis?

24 A. It would depend I think on how  
25 closely they were involved with the cost/benefit



1 analysis and it sort of unfolding. If it were  
2 presented to them as a fait accompli piece of work and  
3 said here it all is, I think you would get some concern  
4 about the information that went into it, the methods  
5 that were used to determine the benefits and the costs  
6 and so on.

7 If, on the other hand, individuals who  
8 had concerns were involved in the whole planning  
9 process from day one in which the cost/benefit analysis  
10 would be but one component, then I think they would  
11 achieve as individuals a better understanding not only  
12 of the process, but also of cost/benefit analysis.

13 I think, therefore, it would be, in spite  
14 of some of the technical parts of it, much more  
15 transparent than simply being handed a document at the  
16 end of the day.

17 Q. Thank you.

18 MS. BLASTORAH: What time were you  
19 thinking of breaking for lunch?

20 MADAM CHAIR: Twelve o'clock.

21 MS. BLASTORAH: I don't think I will be  
22 able to complete by lunch, but I shouldn't take too  
23 long after the lunch break to finish my  
24 cross-examination. I will try and find an area that I  
25 can cover in the next ten minutes.



1 MADAM CHAIR: And, Mr. Lindgren, how long  
2 will you be?

3 MR. LINDGREN: Ten minutes.

4 MADAM CHAIR: Thank you.

5 MS. BLASTORAH: Q. I think you have  
6 already agreed with me on this, Dr. Payne, but I would  
7 just like to cover it off, and I recongize that you  
8 have not been qualified as an expert in timber  
9 management planning nor in general resource management  
10 planning. Your expertise in that --

11 MR. LINDGREN: I believe he was qualified  
12 as an expert in natural resource management planning,  
13 Madam Chair.

14 MS. BLASTORAH: I believe that was  
15 qualified. Unfortunately I don't have my note handy in  
16 relation to this specific qualification.

17 MR. COSMAN: That is, of course, also  
18 subject to the other evidence as to limits of those  
19 qualifications that were given in evidence.

20 MS. BLASTORAH: I don't want to belabour  
21 the point, but perhaps I should just clarify exactly  
22 what the qualification was.

23 MR. LINDGREN: Well, Madam Chair, the  
24 proposition I put forward in terms of his  
25 qualifications was this, I move that Dr. Payne was to

1 be qualified as an expert in geography and social  
2 science with particular expertise in the planning and  
3 management of human use of the natural environment and  
4 I believe no parties had objections to the --

5 MS. BLASTORAH: And that was --

6 MR. COSMAN: That is not quite right. I  
7 rose, but I indicated rather than have the argument at  
8 the beginning of cross-examination as to expertise,  
9 which is how that is done, Madam Chair, I would do it  
10 in the ordinary course and those answers would serve as  
11 the limitation on those qualifications.

12 We have those qualifications in evidence  
13 at this time.

14 MS. BLASTORAH: And for purposes of my  
15 questions I simply meant that it was my understanding  
16 that the qualification was in fact limited to human  
17 use. Again, I don't have the words, but...

18 MADAM CHAIR: Human use of the natural  
19 environment.

20 MS. BLASTORAH: Yes, thank you. That was  
21 certainly the purposes of this question, the  
22 qualification that I was putting on it and I agree with  
23 what Mr. Cosman has said.

24 Q. In any event, you are not an expert  
25 in timber management planning; you would agree?

1 A. No, I'm not.

2 Q. Would you agree with me, and think  
3 you probably already have, that activities in resources  
4 associated with non-timber values are not managed  
5 exclusively through timber management planning?

6 A. I would agree with that.

7 Q. So any consideration of management of  
8 those activities in resources through the timber  
9 management planning process would not fully and  
10 accurately represent how the Ministry does deal with  
11 non-timber resources?

12 A. Well, yes and no. The evidence  
13 indicates that timber management planning is done in  
14 light of the District Land Use Guidelines.

15 My concern, as expressed several times  
16 this morning and at other times, is that of course  
17 those District Land Use Guidelines are poor. They  
18 contain poor information about the resource itself and  
19 they do not reflect anything more than essentially a  
20 program orientation to the delivery of Ministry  
21 outcomes. Something much broader in my view is needed  
22 than that.

23 MS. BLASTORAH: Sorry. I am trying to  
24 find an area I can cover in the next five minutes.

25 Q. I would just like to clarify one

1 point that perhaps follows up on what you have just  
2 said. You agreed with Ms. Seaborn this morning when  
3 she asked you about the source of the objectives to be  
4 included in timber management plans, and I understood  
5 you to agree that those objectives -- the source of  
6 those objectives would come from the District Land Use  
7 Guidelines?

8 A. That was a qualified agreement, I  
9 think, and it was qualified by my concern about the  
10 quality of the information, about my concern about the  
11 planning process through which those guidelines were  
12 produced.

13 Q. But leaving aside what information is  
14 currently in the District Land Use Guidelines, it is at  
15 that level of thinking that you see those objectives  
16 being developed, at the District Land Use Guideline  
17 type level?

18 A. Yes, certainly there and I think that  
19 the non-timber values that are relevant to FMA or CMU  
20 areas have to find their way into timber management  
21 plans as well.

22 Q. Again, those would come from the  
23 District Land Use Guideline level?

24 A. That's where they would receive their  
25 first expression, yes, except for the ones such as



1 biological diversity and ecological functioning which  
2 would be placed in policy.

3 Q. And those would have to find their  
4 way down to the local level as well?

5 A. That's right.

6 Q. Am I correct, when you spoke of the  
7 need for greater integration across the programs  
8 through more integrated planning and broadening of  
9 staff roles, were you making those comments in relation  
10 to the land use planning at the district level?

11 A. No, in relation to the Ministry as a  
12 whole.

13 Q. Now, leaving aside for a moment the  
14 contents of the policy and the District Land Use  
15 Guidelines, we have talked about the things of types  
16 you would like see to reflected there, but leaving that  
17 aside for a moment, would you agree that once  
18 appropriate policies and guidelines are in place there  
19 still have to be decisions made as to exactly where,  
20 when and how specific activities, in this case timber  
21 management activities are going to be carried out on  
22 the ground; for example, decisions as to which stands  
23 will be cut or tended in a given period of time, timing  
24 and season of operations, those kinds of decisions  
25 would still have to be made?



1                   A. Yes, those decisions would still have  
2           to be made.

3                   Q. Thank you.

4                   MS. BLASTORAH: Mrs. Koven, if I might  
5           ask to break just a couple of minutes earlier. I am  
6           moving on to a new area and I would prefer to start  
7           that after the lunch break if I can.

8                   MADAM CHAIR: All right. How long will  
9           we be after lunch, Ms. Blastorah?

10                  MS. BLASTORAH: Perhaps an hour, no more.  
11           I will attempt to abbreviate it over the lunch hour  
12           again based on the answers I have already.

13                  MADAM CHAIR: Please do that. We will be  
14           back at 1:30.

15                  MS. BLASTORAH: Thank you.

16           ---Luncheon recess taken at 11:55 a.m.

17           ---On resuming at 1:35 p.m.

18                  MADAM CHAIR: Please be seated.

19                  MS. BLASTORAH: I think I left some of my  
20           material downstairs, so I will make do with what I  
21           have.

22                  Q. Dr. Payne, I have a couple of more  
23           questions of clarification. You have indicated at page  
24           7 that benefits refer to those individual and social  
25           advantages which come about when people utilize the

1 valued things found in the natural or human made world  
2 and transform them into other things for which there is  
3 a demand, and you have defined costs or described costs  
4 as individual and social disadvantages which occur when  
5 those valued natural or human made things are used.

6 When you refer to cost/benefit analysis,  
7 are those the means you are giving to the words costs  
8 and benefits?

9 A. Run the cost one by me again.

10 Q. Certainly. It is set out at page 7  
11 of your witness statement. I understand from your text  
12 there to be that your definition is costs are  
13 individual and social disadvantages which occur when  
14 those valued natural or human made things are used?

15 A. Yes.

16 Q. Those are the definitions you are  
17 using in terms of cost/benefit analysis?

18 A. Yes.

19 Q. Would you agree with me that forest  
20 products such as lumber, paper products, pulp, those  
21 things are benefits which result from the conduct of  
22 timber management activities?

23 A. No, they are products of taking the  
24 timber out of the forest. In terms of benefits, I  
25 would have thought we would have been taken talking

1 about jobs, economic benefits, perhaps tax revenue  
2 going to the province.

3 Q. You would agree with me that there  
4 are more benefits to be had from the timber resource  
5 than just economic benefits?

6 A. Yes, I certainly would agree with you  
7 on that.

8 Q. Would you not agree with me that  
9 those products and the use made of those products are  
10 benefits which are achieved or obtained only as a  
11 result of timber management activities such as harvest?

12 A. You seem to be equating benefits and  
13 products, I'm not sure I accept that.

14 Q. Would you agree with me that unless  
15 harvesting is carried out, trees cut down, lumber  
16 produced, someone cannot obtain the aesthetic value  
17 that they might receive or the aesthetic -- that the  
18 aesthetic values that someone may hold in relation to  
19 wood furniture cannot result in benefits, for instance,  
20 of viewing or owning wood furniture without the conduct  
21 of those other activities?

22 A. Yes, I'd will agree with that.

23 Q. So at least in that sense there are  
24 benefits to be obtained from those forest products  
25 which result from the conduct or are dependent on the

1       conduct of those timber management activities?

2                   A. It seems to me that the benefits are  
3       dependent upon the timber activity, per se. I think it  
4       is probably stretching a point to say that the benefits  
5       come from the products. They come from the activity.

6                   Q. Well, I thought that that's what you  
7       disagreed with initially. I had originally said that  
8       the availability of those products is a benefit which  
9       comes from carrying out timber management activities?

10                  A. I didn't agree with that.

11                  Q. So you don't agree with that?

12                  A. No, a product is a product. It's not  
13       not the same thing as a benefit. Benefits attach to  
14       the use of the natural activity in a particular way.

15                  Q. Would you agree with me that there  
16       are demands for the those forest products?

17                  A. Yes, I would agree with you on that.

18                  Q. Would you agree with me that the  
19       reason there are demands for those forest products is  
20       because of certain values people hold cause them to  
21       wish to purchase those products or to use those  
22       products or to have them available?

23                  A. I couldn't agree with you just  
24       without finding out about that. It's clear that people  
25       use forest products in the way you are suggesting, but

1 to say that there is a demand that's related to value  
2 in the way I was talking about earlier seems to be  
3 stretching the point well beyond what I had in mind.

4 Q. Well, I would like to clarify what  
5 you mean or what your sense of the source of demand is  
6 then. Would you not agree with me that there is a  
7 demand for products because people have some use for  
8 those products?

9 A. Yes, I would.

10 Q. And you have already indicated that  
11 benefits arise when people utilize things that are  
12 valued?

13 A. Yes.

14 Q. So would you agree with me then that  
15 if someone appreciates wood furniture because they have  
16 an aesthetic value that is expressed through that piece  
17 of furniture that they are translating that evaluation  
18 into an activity of purchasing or owning or observing  
19 wood furniture and the benefit they are getting back  
20 results from the existence of that piece of furniture?

21 A. I think the benefit results from the  
22 whole activity of converting the tree into furniture.

23 Q. I'm sorry, could you repeat that?

24 A. The benefit results from the activity  
25 of converting the tree into the furniture.



1 Q. Would you agree with me that that  
2 activity could not be carried out unless the trees were  
3 cut down in the first place?

4 A. Well, of course.

5 Q. Thank you.

6 A. If what you are trying to  
7 differentiate here is between the kind of social  
8 benefits and perhaps economic benefits that can be  
9 calculated by, say, the Ontario economy as opposed to  
10 the kinds of benefits that perhaps you or I might get  
11 from purchasing an output of that, then that I think is  
12 an acceptable kind of distinction, but I think that  
13 distinction needs to be made and it's a distinction  
14 clearly that's important from the point of view of  
15 management.

16 Q. Is it your position that doing a cost  
17 benefit analysis tells you what decision to make at the  
18 resource management planning level?

19 A. No, not entirely. I think the  
20 cost/benefit analysis is the kind of tool that can  
21 use -- can put information into more usable form. It  
22 is still the requirement of the manager to actually  
23 make a decision.

24 There may be other aspects that don't  
25 enter into the cost/benefit analysis, such as policy

1 perhaps, other aspects such as concerns about equity  
2 about which a Ministry like MNR ought to be concerned  
3 which can enter into the decision itself.

4 Q. And those decisions, I think you have  
5 already agreed, will be made by the responsible  
6 management agency?

7 A. Yes, I would agree with that.

8 Q. One moment, please. Before lunch we  
9 were talking about cost/benefit analysis being one tool  
10 that you felt would help make decisions more  
11 palatable, if I can use that word, or more traceable  
12 to a member of the public - let me use traceable - and  
13 we had that discussion I think in the context of  
14 consensus building. Do you recall that?

15 A. That's correct, yes.

16 Q. Would you agree with me that someone  
17 might look at the result or the decision that results  
18 from a cost/benefit analysis and they might still  
19 disagree with that decision even though the decision  
20 was made because the particular option chosen had a  
21 very low cost and a high benefit, an individual might  
22 still disagree with that decision if the cost were to  
23 them and the benefit were to someone else?

24 A. That's a pretty hypothetical  
25 situation. I suppose that anything is possible.

1                   What is -- a concern is how probable or  
2           likely that actually is and, as I maintained this  
3           morning, I think it is much more likely that  
4           individuals, no matter what kind of stake they  
5           represent, are likely to have a better appreciation of  
6           the decision-making process and of the decision that's  
7           eventually made if they are involved right from the  
8           beginning.

9                   I'm sure that there would arise  
10          situations where some party or some individual still  
11          didn't agree, but I would expect that -- well, I might  
12          go as far as 95 times out of 100 that a census would be  
13          obtainable.

14                   Q.   Thank you.   Now, I recall from last  
15          week that you said it is your understanding that the  
16          U.S. Forest Service uses a very sophisticated model to  
17          do cost/benefit analysis?

18                   A.   Yes.

19                   Q.   Were you referring to Foreplan there?

20                   A.   I wasn't, no.

21                   Q.   What were you referring to?

22                   A.   I was referring to the kind of  
23          planning system which begins with the recreational  
24          opportunity spectrum and moves out from there.

25                   Foreplan, as far as my understanding is,

1 remains a tool by which the forest service is able to  
2 talk about maximizing values, maximizing benefits from  
3 the use of the national forest, but the U.S. forest  
4 service has long been concerned about social stability,  
5 perhaps what we might call equity in our circumstances,  
6 and these considerations enter into their  
7 decision-making process, if not actually in the  
8 Foreplan itself.

9 Q. Okay. In terms of the recreational  
10 opportunity spectrum then, I am correct that that's an  
11 analytical tool, it's not a planning process?

12 A. It's a planning process.

13 Q. It is a planning process?

14 A. It is, yes.

15 Q. Now, you indicated that the -- I  
16 recall from your direct evidence I believe it was that  
17 you indicated that the recreation opportunity spectrum  
18 analysis per se doesn't deal with the demand side of  
19 the demand equation?

20 A. That's correct. The social science  
21 information that the U.S. Forest Service gathers  
22 connects to the recreation opportunity spectrum to --  
23 or in a determination of capacity.

24 Q. So it doesn't provide numbers or  
25 quantifications of opportunities demanded, that sort of



1        thing, the recreation opportunity spectrum analysis?

2                    A. No. On the supply side it is  
3        concerned with identifying settings.

4                    Q. I would just like to clarify one  
5        point then because last week -- and this is a point in  
6        relation to the relationship between the recreation  
7        opportunity spectrum analysis and cost/benefit  
8        analysis.

9                    Mrs. Koven asked you last week or pointed  
10       out rather that with regard to cost/benefit analysis  
11       there would be a different outcome when you do that in  
12       the United States where the population is much larger,  
13       and she asked if that was taken into account in  
14       carrying out cost/benefit analysis as you have proposed  
15       that it be done in Ontario, and your answer was that  
16       you understood -- or I understood your answer to be  
17       that it was taken into account and you indicated that  
18       the recreation opportunity spectrum brings in the  
19       demand side, and I'm not sure what you meant by that  
20       given your comments that that information is not  
21       provided by the recreation opportunity spectrum?

22                    A. Yes. As I said at that time, the  
23       recreation opportunity spectrum focuses on the resource  
24       base, the land itself and tries to come up with setting  
25       opportunities which are consistent with the kind of



1 conceptualization that exists in that model.

2 But in order for it to be used  
3 effectively by the U.S. Forest Service it is necessary  
4 for the forest service to have an idea about, for  
5 example, how many people in that particular area are  
6 likely to use the back country opportunities that are  
7 made available.

8 Consequently, if you were to go to the  
9 Deluth office for Superior National Forest and ask to  
10 see the kind of information that the forest service had  
11 which expressed demand for a broad range of activities  
12 on a national forest, they would tell you that they  
13 utilized a good deal of the information which was in  
14 the statewide plan for outdoor recreation of the State  
15 of Minnesota.

16 One by itself, all you get are settings  
17 that still have no definite connection to the people  
18 out there and what they want. Add in the demand side  
19 and you make that connection.

20 Q. Thank you. Now, I would like to turn  
21 to your comments on technical optimization and do you  
22 have a copy of Volume 168 of the transcript?

23 MR. LINDGREN: Which page, Ms. Blastorah?

24 MS. BLASTORAH: I will get to that in a  
25 moment. It may not be necessary, I just wanted Dr.

1 Payne to have it if he wishes to refer to it.

2 Q. Now, it is your stated position that  
3 the Ministry seek to optimize in a technical sense the  
4 benefits which it produces from the forest, and you  
5 have defined technical optimization as cost/benefit  
6 analysis and you say that Dean Baskerville agrees that  
7 technical optimization is required; correct?

8 A. Yes, I think I've said that.

9 Q. Okay. And you feel that you and Dean  
10 Baskerville agree that optimization will make decisions  
11 more traceable; correct?

12 A. Well, I don't know about traceable.  
13 I'm not sure what Dean Baskerville says on that. I  
14 certainly think that I agree with him when he says it  
15 will allow decisions to be better decisions.

16 Q. Is it your understanding that  
17 technical optimization will make decisions more  
18 traceable?

19 A. Technical optimization by itself as  
20 done by an economist, no, not necessarily.

21 Q. Okay. I would like to look then at  
22 what Dean Baskerville does say in relation to  
23 optimization, leaving aside the traceability question.

24 Would you turn to page 29,896 of Volume  
25 168.

1 I think you should have a copy of that  
2 Mrs. Koven. I mentioned it to Mr. Pascoe this morning.

3 MADAM CHAIR: Which page was that, Ms.  
4 Blastorah?

5 MS. BLASTORAH: 29,896. I am going to be  
6 starting at line 24, Dr. Payne.

7 THE WITNESS: I have that.

8 MS. BLASTORAH: Q. That was a  
9 cross-examination by Dr. Baskerville -- of Dr.  
10 Baskerville by the counsel for the Ministry of Natural  
11 Resources, Mr. Freidin, and at line 24 Mr. Freidin  
12 asked Dr. Baskerville the following question:

13 "Now, do I understand your evidence  
14 correct, Dr. Baskerville, to be that your  
15 audit did not recommend the use of formal  
16 optimization models by the Ministry of  
17 Natural Resources?"

18 And Dr. Baskerville replied:

19 "Oh, I most certainly did not recommend  
20 it. In fact, given our current state  
21 of knowledge of the elements of the  
22 system and the tradeoffs that we are  
23 trying to make, you couldn't in fact  
24 apply it. I don't believe at this point  
25 that it is possible to write the

1 algorithm that would tradeoff moose  
2 population with timber population,  
3 particularly at this stage of our  
4 evolution in learning how to manage  
5 renewable resources."

6 Would you agree with me that in that  
7 passage Dean Baskerville is not recommending that  
8 optimization be used in timber management at the  
9 present time?

10 A. Yes, I would agree with you.

11 Q. Thank you. Now, in relation to the  
12 practical use of the application of technical  
13 optimization in land use plans, in your answer to  
14 Ministry of Natural Resources' interrogatory No. 5 you  
15 stated that:

16 "There are currently no land use or  
17 resource management plans existing in any  
18 jurisdiction which technically optimize  
19 the full range of utilitarian and  
20 non-utilitarian values or benefits, but  
21 that the approach of the B.C. Ministry of  
22 Forests in its December '89 policy  
23 framework for managing wilderness in  
24 provincial forests is working in the  
25 right direction."

1                   And that document is included in your  
2 source book and you discussed it in direct?

3                   A. That's correct.

4                   Q. I would like to clarify a couple of  
5 points first. It is my understanding that the B.C.  
6 Ministry of Forests does not have planning and  
7 management authority over all Crown lands and  
8 resources. In fact, those responsibilities are shared  
9 with the Ministry of Parks, the Ministry of the  
10 Environment and the Ministry of Crown Lands.

11                  Can you confirm that?

12                  A. That's my understanding as well, yes.

13                  Q. And, in fact, the Ministry of Forests  
14 has no jurisdiction with respect to provincial parks?

15                  A. I believe you are right on that, yes.

16                  Q. And fish and wildlife management is  
17 part of the mandate of the Ministry of the Environment;  
18 correct?

19                  A. I'm not sure but that one.

20                  Q. Okay. It is also my understanding  
21 that there is currently no planning mechanism in place  
22 which would operate on a strategic level to consolidate  
23 the planning procedures used by the various ministries  
24 in carrying out their respective mandates.

25                  Can you confirm that?



1                   A. No, I can't. In fact, it is my  
2                   understanding that there is an environmental and land  
3                   use secretariat that operates over and above the  
4                   natural resource agencies in British Columbia that is  
5                   meant to produce the kind of integrated planning that  
6                   MNR says it does in the province here.

7                   Q. Well, my question was whether you are  
8                   aware of any planning mechanism in place?

9                   I am not disagreeing with you as to  
10                  whether or not there is this environmental and land  
11                  use...

12                 A. Secretariat.

13                 Q. ...secretariat, but are you aware of  
14                  any planning mechanism that's currently in place?

15                 A. At what level?

16                 Q. At any level.

17                 A. At any level.

18                 Q. Well, at the strategic level let's  
19                  say.

20                 A. At the strategic level. No, I'm not.

21                 Q. In fact, it is my understanding and  
22                  maybe you can confirm this, that the province of B.C.  
23                  is only now beginning to develop a system of land use  
24                  planning for the province?

25                 A. I couldn't confirm or deny that.

1 Q. With regard to the document that you  
2 filed in your source book, the document in relation to  
3 the B.C. wilderness policy framework, first of all I  
4 would like to clarify that that's not a plan, it's a  
5 policy framework; correct?

6 A. Yes, that's correct. It's the basis  
7 of ongoing developments, as I understand it, in British  
8 Columbia and specifically in the Ministry of Forests to  
9 try and put that policy framework into a planning  
10 system that will look much like the ROS does in U.S.  
11 forests, U.S. national forests.

12 Q. And it is my understanding that on  
13 reviewing the document that it doesn't provide any  
14 specific direction with regard to the management of  
15 wilderness areas and that in fact that information is  
16 contained in other plans; correct?

17 A. Yes, I think that's fair.

18 Q. Thank you. Now, you said in your  
19 evidence that the British Columbia wilderness policy  
20 framework document that we have been talking about is  
21 an example of the inclusion or integration of  
22 non-timber values in timber management planning and I  
23 would like to clarify.

24 Would you agree with me that under that  
25 policy framework wilderness areas are essentially

1 excluded from timber management in that no logging is  
2 allowed in wilderness areas?

3 A. That's certainly what the policy  
4 would give one to understand.

5 I wouldn't agree with you, however, that  
6 they are excluded from timber management planning  
7 because clearly the point of the policy in its use by  
8 the Ministry of Forests is to determine those areas  
9 that ought to be excluded and to determine those areas  
10 that ought not to be excluded in order to facilitate  
11 timber harvesting. To me, that's part of a timber  
12 management planning process. That does at a level such  
13 as that integrate the concerns about non-timber as well  
14 as timber values.

15 Q. Would you agree with me that that  
16 would be done at the land use planning level?

17 A. I'm not really sure where it is being  
18 done. My guess is that it would be done at the  
19 administrative level in the Ministry of Forests, at the  
20 administrative district level, equivalent of our own  
21 districts.

22 Q. Would you agree with me that that  
23 would not be done at the operational level where the  
24 activities are actually carried out?

25 A. I would agree with you, but to me

1       that doesn't seem to be a particularly negative thing.

2                   Q.   No, I'm not implying whether it is  
3       negative or positive, I was just asking whether you  
4       would agree with that?

5                   A.   Okay.  I agree with that.

6                   Q.   Thank you.  My last question for you  
7       is, you have expressed the opinion that the Ministry of  
8       Natural Resources does not have a real world view due  
9       to the nature of its management system.

10                   Would you agree with me that it is  
11       important that a survey done to determine the value  
12       which people place on one feature or activity should  
13       accurately reflect the real world context of that  
14       valuation?

15                   A.   Yes, I would agree with that.

16                   Q.   So a survey to determine peoples'  
17       valuations of wilderness alone, for example, might  
18       produce different results than a survey which made that  
19       valuation relative to, for instance, their valuation of  
20       paper, tissue, lumber, disposal diapers and other  
21       forest products?

22                   A.   Yes, I would agree with that.

23                   Q.   And another contextural element might  
24       be the relative availability, cost, et cetera of each?

25                   A.   I suppose you could put as many

1 different kinds of questions into your survey as you  
2 wanted to do. Clearly it would depend on what you were  
3 trying to do with the information which is why I said  
4 that what the Ministry ought to do is decide what kind  
5 of information it needs and then go about getting it.

6 Q. Depending on the kind of variables  
7 you put in to get that real world context the answers  
8 would be different?

9 A. Depending on the kind of variables  
10 that are put in, of course.

11 Q. And depending -- well, I will leave  
12 it at that.

13 MS. BLASTORAH: Those are my questions,  
14 Mrs. Koven.

15 MADAM CHAIR: Thank you, Ms. Blastorah.  
16 Mr. Lindgren?

17 A postscript, Ms. Blastorah?

18 MS. BLASTORAH: Pardon?

19 MADAM CHAIR: Do you want to ask another  
20 question?

21 MS. BLASTORAH: No, thank you.

22 MADAM CHAIR: Mr. Lindgren?

23 MR. LINDGREN: Thank you, Madam Chair.

24 Five minutes maybe.

25 MADAM CHAIR: All right.



1        REDIRECT EXAMINATION BY MR. LINDGREN:

2                    Q.   I think I can do it from here if Dr.  
3        Payne doesn't object to me yelling in his ear.

4                    First of all, Dr. Payne, a number of the  
5        parties spent some time reviewing your qualifications  
6        and experience and I want to clarify the areas that you  
7        have experience in and areas that you don't.

8                    MR. COSMAN:    Madam Chair, I have no  
9        difficulty if my friend ask the questions arising out  
10       of the cross-examination.

11                   If it's a question of reviewing the areas  
12       of qualification which was done by him in his  
13       examination-in-chief, then of course that would be  
14       inappropriate.    You cannot go over the areas that were  
15       covered.

16                   MR. LINDGREN:    I am prepared to do that,  
17       Madam Chair.

18                   Q.   First of all, Mr. Cosman established  
19       this morning, Dr. Payne, that you are not a forester,  
20       you are not a forest ecologist and you are not a  
21       wildlife biologist and that should come as no surprise  
22       to you or me because we didn't present you as any of  
23       those -- or representing any of those occupations.

24                   Now, in preparing your testimony, Dr.  
25       Payne, did you review the witness statements prepared

1 for FFT by the wildlife biologist, by the forest  
2 ecologist and by the foresters?

3 A. Yes, I did that.

4 Q. And you relied on those other  
5 documents for your evidence?

6 A. To one degree or another, yes.

7 Q. Secondly, this morning Mr. Cosman  
8 asked you about the need for public input into policy  
9 at the -- I guess provincial at the provincial and  
10 regional levels and you said that sounded like a good  
11 idea. In your answer did you mean to say -- I have to  
12 clarify the answer, Madam Chair.

13 MR. COSMAN: As long as you are not  
14 leading the witness. You don't ask the witness with  
15 respect to an answer that was given, did you mean to  
16 say something else. You can ask an open ended  
17 question, Madam Chair, but my friend cannot lead on  
18 re-examination.

19 MR. LINDGREN: Madam Chair, this is going  
20 to take longer than five minutes.

21 MR. COSMAN: Well, it will take longer if  
22 you don't question properly.

23 MR. LINDGREN: If I was able to complete  
24 the question perhaps my friend's concerns might have  
25 been addressed.

1                   Q. The question, Dr. Payne, is simply  
2                   this: Were you endorsing any specific technical means  
3                   to obtain public input at the strategic or provincial  
4                   level?

5                   A. No, I don't think I was at that time.  
6                   I think I've indicated to the Board several times the  
7                   kind of input at those levels that I thought would be  
8                   appropriate and I don't think I said anything that  
9                   would detract from that.

10                  Q. Thank you. Finally, with respect to  
11                  Mr. Cosman's cross-examination, he reviewed with you  
12                  your use of the CWS data for Ontario and at one point  
13                  during his cross-examination the question of relevance  
14                  of the data.

15                  Can you clarify for me why social science  
16                  data such as CWS data is relevant to decisions to be  
17                  made by resource managers?

18                  A. It is relevant for any number of  
19                  reasons. Perhaps the most important reason is that it  
20                  gives a reliable and authoritative overview of how  
21                  people in the province selected at random understand  
22                  and value this particular part of the natural  
23                  environment.

24                  It's, secondly, useful because it allows  
25                  the identification of user groups which can then be

1 looked at in terms of participation which, in turn,  
2 allows one to talk about expenditures that are made for  
3 various forms of recreational activity; in other words,  
4 the way the data is a constructed -- the way the data  
5 set is constructed, the way the questions have been  
6 asked allow an agency to begin to use the information  
7 in a cost/benefit way.

8 Q. Then turning to Ms. Seaborn's  
9 cross-examination. She referred you to Exhibit 51 and  
10 in particular she reviewed some of the policies that we  
11 find in the right-hand corner of the page, and you  
12 indicated in response to one of her questions that  
13 perhaps there should be a fourth policy relating to the  
14 World Conservation Strategy principles, but then you  
15 also went on to say your preference was perhaps to have  
16 a forest policy that would integrate those principles.

17 Now, in your earlier evidence you made  
18 reference to something that you called Crown land  
19 management policies and you also referred to the Forest  
20 Management Act. Where would they fit in?

21 A. Well, I suppose the Crown land  
22 management policy would be indeed one in which perhaps  
23 forest policy ought to itself be contained.

24 The Crown land -- the Forest Management  
25 Act would be outside of that policy framework of course

1 and would drive pretty well the entire planning system,  
2 as you see it there.

3 Q. Okay. Ms. Seaborn reviewed with you  
4 the District Land Use Guidelines as they exist now and  
5 you made the comment that in your view the District  
6 Land Use Guidelines should be plans and why is that?  
7 What do you mean by that?

8 A. Well, they have such strategic  
9 importance, the embodiment of provincial policy at the  
10 district level and they were meant, if my understanding  
11 is correct, to govern the sorts of outcomes that the  
12 Ministry produces in resource management.

13 Consequently, I think it can be  
14 established that the point of doing strategic land use  
15 planning right from the beginning was to produce a plan  
16 not a guideline. The only reason that these are  
17 referred to as guidelines today is because there was a  
18 fear back in 1983 that the plans would have to go  
19 through the environmental assessment process.  
20 Guidelines clearly do not have to go through that  
21 process.

22 MS. BLASTORAH: Again, I apologize for  
23 interrupting, but I would just like to clarify. This  
24 is Dr. Payne's opinion on this. I believe the Board  
25 has already heard evidence from the Ministry in



1 relation to this.

2 I would just like to clarify, Dr. Payne,  
3 this is your opinion?

4 THE WITNESS: It certainly is, yes.

5 MR. LINDGREN: Madam Chair, it comes as  
6 no surprise to me that what Dr. Payne is saying is in  
7 fact Dr. Payne's opinion. I don't think we needed an  
8 interjection like that.

9 Q. My final question arises from Ms.  
10 Blastorah's questions. It might be characterized as a  
11 question and a half.

12 She was exploring with you your comments  
13 on the fact that the FMAs were apparently signed  
14 outside of the DLUG process and she was essentially  
15 putting to you the proposition that the District Land  
16 Use Guidelines still apply to the FMA lands.

17 In your answer, my notes indicate that  
18 you said that the DLUGS include timber targets in a  
19 production way and they were established outside of the  
20 tradeoff process. It might be a reflection of my  
21 notes, but were you in fact referring to the FMAs?

22 A. Yes, that's what I meant.

23 Q. Okay. That's my half question. My  
24 full question is, what is the significance of taking  
25 the FMAs and signing them outside the land use planning

1 process?

2 A. Well, the land use planning process,  
3 as I understand it, was to try and make decisions about  
4 what the Ministry does in the district at the district  
5 level starting from a clean slate essentially, where  
6 every potential resource activity as representing some  
7 sort of interest or stake on the part of the province  
8 and on part of the people in that area against an equal  
9 crack, at least at the starting gate. After that, it  
10 should be a question of attempting to come up with that  
11 optimum mix, so to speak.

12 If you have already determined that  
13 timber requires this much land, then you don't give the  
14 other program areas the same starting gate and  
15 effectively that's why I ended up saying I think that  
16 the other program areas are left to squabble over  
17 what's left.

18 MR. LINDGREN: Those are my questions,  
19 Madam Chair.

20 MADAM CHAIR: Thank you, Mr. Lindgren.

21 Just one more question, Dr. Payne, and  
22 that is, as a social scientist wouldn't you be -- would  
23 you be concerned if there were an over reliance on the  
24 use of opinion surveys and the collection of  
25 socio-economic data with respect to the long-term

1 objectives of environmental protection and protection  
2 use of the forest?

3 And I say that simply by way of these  
4 tools are often used to measure current public opinion.  
5 As we know, public opinion changes and the public  
6 opinion of today that might strengthen one position or  
7 another may diminish over time because of lots of  
8 reasons and still the MNR must follow a certain  
9 objective in which there are principles and objectives  
10 that they must protect regardless of whether public  
11 opinion supports them or not.

12 It may be as of today the CSW data  
13 suggests, yes, there is a very keen interest and the  
14 public would be behind you 100 per cent. Ten years  
15 from now that might not be the case, but MNR has to  
16 organize itself in such a way that it sees very clearly  
17 what those values may be. I think as a social  
18 scientist, on the one hand, you would want to promote  
19 that kind of data gathering but, on the other hand, the  
20 use of it is very arbitrary.

21 THE WITNESS: I think it's an excellent  
22 point, Madam Chair, because, as we discussed earlier,  
23 this whole issue is not about collecting social science  
24 information just for the sheer joy of collecting it.  
25 That might be fine for academics, but for an agency

1       like the Ministry that has a responsibility that simply  
2       can't be done.

3               I think what you are suggesting is useful  
4       from several points of view. I think it is important  
5       for a ministry that embarks upon an effort to improve  
6       its social science information to do so in a way that  
7       is as broad as possible. In other words, while one  
8       could put almost any kind of questions on to such a  
9       survey methodology as that, it's clear that the broader  
10      the better because you begin to sort of catch all those  
11      segments of society that may have long or short-term  
12      interests in a particular kind of problem.

13             I think that is a critical factor, and  
14      just collecting social science information to ask about  
15      just wildlife, for example, is probably not sufficient.  
16      Certainly better than where we have been before.

17             The other aspect of course is that  
18      people's ideas about what they want from the natural  
19      environment do change and clearly this has been one of  
20      the ways in which even the Ministry, through the use of  
21      political polls, attempted to keep up with those sorts  
22      of changes. Perhaps not to the extent that I am  
23      suggesting.

24             Consequently, I think that a long-term  
25      strategic polling of the Ontario population with



1       respect to what the population wants from natural  
2       resources ought to be undertaken, and Canadian Wildlife  
3       Service example is, again, a good one. It seems that  
4       as long as the money is available, that organization  
5       will attempt to redo that study every five years to get  
6       a longitudinal view of what Canadians and Ontarions  
7       want from wildlife.

8                   I think the Ministry ought to be doing  
9       the same kinds of things as that and certainly it is  
10      important.

11                   MR. MARTEL: Are they only polling  
12      different people the second time around?

13                   THE WITNESS: Yes, they are.

14                   MR. MARTEL: They don't change the format  
15      at all?

16                   THE WITNESS: Well, they have changed the  
17      format slightly insofar as how I got the data. 1987  
18      allows a researcher now to go below the provincial  
19      level and to break up into urban and non-urban. It  
20      probably would also -- I can't say that. It would be  
21      nice if we could break it up into Metro Toronto,  
22      southwestern Ontario, northern Ontario, northeastern  
23      Ontario and so on.

24                   MADAM CHAIR: Mr. Martel would like it  
25      broken up into political affiliations.



1                   MR. MARTEL: No. Not after September the  
2 6th, it's just fine.

3                   THE WITNESS: I don't think that question  
4 is there.

5                   Your other point, Madam Chair, about the  
6 fickle public I think is well taken. The Ministry has  
7 had for some time now a requirement that it has  
8 accepted in its overall mission to protect the natural  
9 environment out there in Ontario, and I think unless  
10 you as a Board or the Minister for Natural Resources is  
11 going to change what the Ministry is all about, then  
12 that requirement, that mission, that mandate has to  
13 continue to be expressed within what the Ministry does.

14                   Clearly, too, the Ministry is only one  
15 agency out there that is providing things like  
16 recreational opportunities and there is an opportunity  
17 I think for the Ministry to cooperate with other  
18 potential providers and make sure that they do what  
19 they do best and let the other providers do what they  
20 do best.

21                   I think your point it well taken, but I  
22 don't think it negates the importance of social science  
23 information to continue to be aware of where you are  
24 and continue to produce for Ontarions the sorts of  
25 things that Ontarions feel they want while, at the same

1 time, protecting the natural environment.

2 MADAM CHAIR: Thank you, Dr. Payne.

3 MR. COSMAN: Madam Chair, just if I may.

4 In his re-examination Mr. Lindgren put it to the  
5 witness as a preface to a question that I had  
6 questioned the relevance of the CWS data and I just  
7 want to make it clear that my questions were directed  
8 to the specific output of this witness, and it is not  
9 our client's position that social science analysis is  
10 irrelevant in all cases. It is not our client's  
11 position at all and there are cases clearly where it  
12 may be appropriate.

13 I didn't want you left with the  
14 impression from Mr. Lindgren's question that Industry  
15 was suggesting there was anything wrong per se with  
16 social science data. It is just one more set of data  
17 that decision makers should have.

18 MADAM CHAIR: Thank you, Mr. Cosman. The  
19 Board recollects that some of your evidence was based  
20 on social science data.

21 MR. COSMAN: Thank you.

22 MADAM CHAIR: Thank you very much, Dr.  
23 Payne, for appearing before the Board. We give you our  
24 award for shortest, fastest witness panel of the timber  
25 management hearing.

1                   We thank you very much. You have  
2                   facilitated this panel very quickly and now we have  
3                   seen that the other parties can conduct themselves very  
4                   efficiently. You have set a new standard of the timber  
5                   management hearing.

6                   THE WITNESS: Thank you, Madam Chair. I  
7                   am happy to have that honour.

8                   MADAM CHAIR: Thank you. We are  
9                   finished.

10                  ---Witness withdraws

11                  MR. COSMAN: I was asked by Mr. Cassidy,  
12                  is there any opportunity to use the balance of the  
13                  week. I don't know if Forests for Tomorrow was able to  
14                  reschedule.

15                  MADAM CHAIR: We had received a note on  
16                  Friday, and I'm sorry if the other parties didn't get  
17                  it, that Professor Benson would not be able to be in  
18                  Toronto until Monday.

19                  MS. BLASTORAH: Oh, I had understood -- I  
20                  asked Mr. Lindgren about this earlier and I understood  
21                  the note which I did receive to indicate that Professor  
22                  Benson was not available Thursday and they were  
23                  requesting that he not be here until Monday, but I had  
24                  not understood that we was unavailable.

25                  I am just clarifying my understanding of

1       it.

2                   MADAM CHAIR: The Board's assumption was  
3       that he was not available this week.

4                   MR. LINDGREN: Well, I think the letter  
5       speaks for itself, Madam Chair. He wasn't available  
6       Thursday. His preference and our preference was for  
7       the Monday, as had been indicated during the scoping  
8       session. But the last line of the sentence -- or of  
9       letter said, you know, we are open to the Board's  
10      direction. We could have produced him for tomorrow if  
11      that was absolutely necessary.

12                  MADAM CHAIR: Well, I don't see the point  
13      of bringing Professor Benson down from Thunder Bay for  
14      the day. We didn't realize you would be finished so  
15      quickly today.

16                  MR. LINDGREN: Quite frankly either did  
17      we at that time.

18                  MADAM CHAIR: No, I don't think there is  
19      anything else we can do this week.

20                  We will reconvene Monday at ten  
21      o'clock -- excuse me, 10:30 or 10:45, whenever Mr.  
22      Martel's plane gets in and we will start with Professor  
23      Benson.

24                  MS. BLASTORAH: We are into winter  
25      weather now.

1 MADAM CHAIR: Thank you.

2 MR. LINDGREN: Thank you, Madam Chair.

3

4 ---Whereupon the hearing adjourned at 2:15 p.m., to be  
5 reconvened Monday, December 9, 1990 commencing at  
6 10:30 a.m.

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